



# COUNTY OF LOS ANGELES

## DEPARTMENT OF PUBLIC WORKS

*"To Enrich Lives Through Effective and Caring Service"*

900 SOUTH FREMONT AVENUE  
ALHAMBRA, CALIFORNIA 91803-1331  
Telephone: (626) 458-5100  
<http://dpw.lacounty.gov>

**GAIL FARBER, Director**

ADDRESS ALL CORRESPONDENCE TO:  
P.O. BOX 1460  
ALHAMBRA, CALIFORNIA 91802-1460

June 15, 2010

The Honorable Board of Supervisors  
County of Los Angeles  
383 Kenneth Hahn Hall of Administration  
500 West Temple Street  
Los Angeles, California 90012

## ADOPTED

BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

#42 JUNE 15, 2010

*Sachi A. Hamai*  
SACHI A. HAMAI  
EXECUTIVE OFFICER

Dear Supervisors:

**TIERRA SUBIDA AVENUE (CACTUS DRIVE TO CITY RANCH ROAD)  
ROAD IMPROVEMENT PROJECT  
HIGHWAYS-THROUGH-CITIES AID, PROPERTY TRANSFER, AND  
CITY OF PALMDALE-COUNTY OF LOS ANGELES  
COOPERATIVE AGREEMENT  
(SUPERVISORIAL DISTRICT 5)  
(4 VOTES)**

### **SUBJECT**

This action is to consider the City of Palmdale's Mitigated Negative Declaration and adopt the Mitigation Monitoring Program, provide County aid to the City of Palmdale, approve a cooperative financial agreement between the County of Los Angeles and the City of Palmdale to provide financing and delegation of responsibilities for the construction of road and other improvements on Tierra Subida Avenue, and approve a quitclaim of fee interest in a County parcel on Tierra Subida Avenue to the City of Palmdale.

### **IT IS RECOMMENDED THAT YOUR BOARD:**

1. Acting as a responsible agency for the Tierra Subida Avenue Road Improvement project, consider the Mitigated Negative Declaration prepared and adopted by the City of Palmdale as lead agency, together with any comments received during the public review period; certify that the Board has independently considered and reached its own conclusions regarding the environmental effects of the project as shown in the Mitigated Negative Declaration; adopt the Mitigation Monitoring Program, finding that the Mitigation Monitoring Program is adequately designed to ensure compliance with the mitigation measures during project implementation; and approve the project.
2. Adopt Resolution No. 3908 finding that the road widening and improvement of Tierra Subida

Avenue between Cactus Drive and City Ranch Road in the City of Palmdale is of general County interest and that County of Los Angeles aid shall be provided to the City of Palmdale to be expended in accordance with all applicable provisions of law relating to funds derived from the Highway Users Tax in an amount up to \$2,610,000 from the Fifth Supervisorial District's Road Construction Program included in the Fiscal Year 2009-10 Road Fund Budget.

3. Approve and instruct the Chair of the Board to sign on behalf of Los Angeles County Waterworks District 40, Antelope Valley, and the County of the Los Angeles the cooperative agreement with the City of Palmdale. The agreement provides for the City of Palmdale to acquire right of way for road widening at the City of Palmdale's expense, administer the construction of the project, and finance all road improvement costs in excess of the County of Los Angeles' financial contribution. The agreement further provides for Los Angeles County Waterworks District No. 40, Antelope Valley, to finance the cost to relocate waterlines, estimated to be \$408,000.
4. Authorize the Director of Public Works or her designee to approve up to 10 percent of the Los Angeles County Waterworks District No. 40's share of the waterline relocation cost equal to \$40,800 for any costs of unforeseen items of work, thereby increasing the maximum cost of the waterline relocation for the Los Angeles County Waterworks District No. 40 from \$408,000 to \$448,800.
5. Find that the fee interest in County of Los Angeles' Parcel No. 1-1EX.1 is no longer required for the purposes of the County of Los Angeles.
6. Authorize the quitclaim of fee interest in Parcel 1-1EX.1 from the County of Los Angeles to the City of Palmdale.
7. Instruct the Chair of the Board to sign the Quitclaim Deed upon presentation by the Department of Public Works.

#### **PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION**

The purpose of the recommended action is to consider the enclosed previously adopted Mitigated Negative Declaration (MND) and adopt the Mitigation Monitoring Program; obtain the Board of Supervisors' (Board) approval to provide County of Los Angeles (County) aid to the City of Palmdale (City); approval of the enclosed cooperative agreement between the County and the City to provide financing and delegation of responsibilities for the construction of road and other improvements on Tierra Subida Avenue, between Cactus Drive and City Ranch Road; and approval of a quitclaim of fee interest in a County parcel of land, Parcel 1-1EX.1, to the City.

#### **Implementation of Strategic Plan Goals**

The Countywide Strategic Plan directs the provision of Community and Municipal Services (Goal 3). The construction of road improvements on Tierra Subida Avenue will benefit residents in the City and nearby unincorporated County areas who travel on this street and will enhance their quality of life.

#### **FISCAL IMPACT/FINANCING**

There will be no impact to the County General Fund.

The total project cost is estimated to be \$8,978,000 of which up to \$2,610,000 will be financed by the

County Highways-Through-Cities (HTC) funds; \$408,000 by Los Angeles County Waterworks District No. 40, Antelope Valley (District 40); and \$5,960,000 by the City. Funding for the County's contribution of \$2,610,000 is available from the Fifth Supervisorial District's Road Construction Program in the Fiscal Year 2009-10 Road Fund Budget. Funding for District 40's costs of \$408,000 and an additional 10 percent contingency of \$40,800 for unforeseen items of work for a maximum amount of \$448,800 is available in the Fiscal Year 2009-10 District 40 Accumulative Capital Outlay Fund (N64).

There will be no monetary consideration paid for this quitclaim because the use of Parcel 1-1EX.1 will benefit the residents within Community Facilities District No. 1 in accordance with Government Code Section 53313.

### **FACTS AND PROVISIONS/LEGAL REQUIREMENTS**

The City proposes to acquire right of way; widen, reconstruct, and resurface the deteriorated roadway pavement on Tierra Subida Avenue between Cactus Drive and City Ranch Road, including the construction of curb and gutter, sidewalk, driveways, and wheelchair ramps; and install a street lighting system, traffic signals, conduit for a future traffic signal interconnect system, and a storm drain system. In 2004, the County provided the City \$85,000 in HTC funds, Resolution No. 3880, for the preparation of the preliminary engineering for the project. The proposed agreement provides for the City to acquire right of way at the City's expense and administer the construction of the project. The agreement further provides for the County to provide HTC funds to the City to assist the City with financing construction of said road improvements. The City previously adopted Resolution No. CC 2010-015 (copy enclosed) on February 3, 2010, requesting an allocation and payment of HTC funds for the project. The City will finance all road improvement costs in excess of the County's contribution. The agreement also provides for District 40 to finance the relocation of existing waterlines as part of the road improvement project estimated to be \$408,000. The cost to relocate the waterlines cannot be increased beyond the estimated amount of \$408,000 without District 40's prior written approval. As part of this approval, the Department of Public Works (Public Works) is seeking authorization to establish a 10 percent contingency of \$40,800 for unforeseen items that may occur. District 40's actual payment will be based upon a final accounting after completion of the project. The City anticipates beginning project construction in the summer of 2010 and completing it in the summer of 2011.

Sections 1680-1683 of the California Streets and Highways Code provide that the board of supervisors of any county may, by a resolution adopted by a four-fifths vote of its members, determine that certain types of road improvements are of general county interest and that County aid shall be extended therefore. County aid may be provided in the form of labor, equipment, and materials or as a direct payment to the City.

Section 1803 of the California Streets and Highways Code provides that the board of supervisors of any county may enter into contracts or agreements with the legislative body of any city for the purposes of more efficient construction or repair of streets and roads within the city. This proposal is also authorized and provided for by the provisions of Section 6500, et seq., of the Government Code.

Your Board's approval of the enclosed agreement is necessary for the delegation of responsibilities and the joint financing of the project.

Parcel 1-1EX.1 was purchased by the County as part of a larger parcel for the construction of a water storage tank site and other waterworks improvements funded by Community Facilities District

No. 1. A portion of Parcel 1-1EX.1 is improved with a detention basin and also includes a 5 foot strip of land on the east side of Tierra Subida Avenue. The County desires to transfer this parcel to the City for continued operation and maintenance.

This conveyance is authorized by Government Code Section 25526.7.

#### **ENVIRONMENTAL DOCUMENTATION**

In approving the cooperative financial agreement and authorizing a quitclaim fee interest to the City of Palmdale, Public Works is acting as a responsible agency for the Tierra Subida Road Improvement project. The City, as lead agency, prepared an Initial Study, consulted with Public Works, and adopted an MND for this project on October 1, 2008. The recommended actions will not have a significant effect on the environment.

The project is not exempt from payment of a fee to the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code to defray the costs of fish and wildlife protection and management incurred by the California Department of Fish and Game. The City has paid the fee. Upon your Board's finding that the project will not have a significant effect on the environment, Public Works will file a Notice of Determination in accordance with Section 21152(a) of the California Public Resources Code and pay the required filing fees with the Registrar Recorder/County Clerk in the amount of \$75.

#### **IMPACT ON CURRENT SERVICES (OR PROJECTS)**

The project will enhance motorist safety by improving the roadway on Tierra Subida Avenue between Cactus Drive and City Ranch Road.



**CONCLUSION**

Please return one adopted copy of this letter and two adopted copies of the agreement marked CITY ORIGINAL and DISTRICT 40 ORIGINAL to the Public Works, Programs Development Division. The agreement marked COUNTY ORIGINAL is for your files.

Respectfully submitted,

A handwritten signature in cursive script that reads "Gail Farber".

GAIL FARBER  
Director

GF:SA:dg

Enclosures

c: Chief Executive Office  
County Counsel  
Executive Office  
Supervisor Michael D. Antonovich (Norm  
Hickling, Paul Novak)

ORIGINAL

City of Palmdale  
Agreement No. A-2947

AGREEMENT

THIS AGREEMENT, made and entered into by and between the CITY OF PALMDALE, a municipal corporation in the County of Los Angeles (hereinafter referred to as CITY), the COUNTY OF LOS ANGELES, a political subdivision of the State of California (hereinafter referred to as COUNTY), and Los Angeles County Waterworks District No. 40, Antelope Valley, a special district formed pursuant to the Waterworks District Law (hereinafter referred to as DISTRICT 40).

WITNESSETH

WHEREAS, Tierra Subida Avenue is on the Highway Element of CITY'S General Plan and is also shown on COUNTY'S Highway Plan; and

WHEREAS, CITY proposes to acquire right of way and widen, reconstruct, and resurface the deteriorated roadway pavement on Tierra Subida Avenue between Cactus Drive and City Ranch Road, including the construction of curb and gutter, sidewalk, driveways, and wheelchair ramps; and installation of a street lighting system, traffic signals, conduit for a future traffic signal interconnect system, and a storm drain system, which work is hereinafter, collectively, referred to as ROAD IMPROVEMENTS; and relocate existing waterlines within Tierra Subida Avenue which belong to DISTRICT 40, which work is hereinafter referred to as WATERLINE RELOCATION; and

WHEREAS, ROAD IMPROVEMENTS and WATERLINE RELOCATION together are hereinafter referred to as PROJECT; and

WHEREAS, PROJECT is entirely within the geographical boundary of CITY; and

WHEREAS, PROJECT is of general interest to CITY and COUNTY; and

WHEREAS, CITY is willing to be responsible for right-of-way acquisition for property needed for the PROJECT, including property belonging to DISTRICT 40, at CITY expense; and

WHEREAS, CITY is also willing to take responsibility for completion of the PROJECT; and

WHEREAS, COUNTY has already provided the CITY with Eighty-five Thousand and 00/100 Dollars (\$85,000.00) in Highway-Through-Cities (HTC) funds for the preparation of preliminary engineering for PROJECT; and

WHEREAS, CITY prepared preliminary engineering for PROJECT; and

WHEREAS, CITY is willing to provide contract administration, construction

inspection and engineering, materials testing, and construction survey for PROJECT;  
and

WHEREAS, COUNTY is willing to contribute additional HTC funds toward the COST OF ROAD IMPROVEMENTS [as defined in Section (1) a. below] in the additional amount totaling up to Two Million Six Hundred Ten Thousand and 00/100 Dollars (\$2,610,000.00); and

WHEREAS, DISTRICT 40 is willing to reimburse the CITY the amount expended by CITY toward the COST OF WATERLINE RELOCATION [as defined in Section (1) b. below] in the total amount of up to Four Hundred Eight Thousand and 00/100 Dollars (\$408,000.00); and

WHEREAS, CITY is willing to pay for and finance any and all costs for the PROJECT, if any, which may exceed the COUNTY'S and DISTRICT 40's contributions of funds under this AGREEMENT to allow for completion of the PROJECT; and

WHEREAS, COUNTY owns property along Tierra Subida Avenue as described as Parcel 1-1EX.1 on Exhibit A (hereinafter referred to as PARCEL 1-1EX.1); and

WHEREAS, portions of PARCEL 1-1EX.1 are improved with a detention basin;  
and

WHEREAS, COUNTY is willing to transfer ownership of PARCEL 1-1EX.1, gratis, to CITY and CITY is willing to accept PARCEL 1-1EX.1 in consideration for the PROJECT.

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the parties and of the promises herein contained, it is hereby agreed as follows:

(1) DEFINITIONS:

- a. "COST OF ROAD IMPROVEMENTS" as referred to in this AGREEMENT shall consist of all costs incurred in connection with completion of the ROAD IMPROVEMENTS, including, without limitation the costs of: 1) the contract that may be bid for construction; 2) costs incurred for administration of said contract, including costs to advertise, award, oversee, and conclude the contract; 3) the costs of construction inspection and engineering, materials testing, construction survey, utility relocation, traffic detour, final signing and striping, and all other work necessary to construct ROAD IMPROVEMENTS; and 4) any and all currently effective percentages added to total salaries, wages, and equipment costs to cover overhead, administration, and depreciation in connection with any or all of the aforementioned items.

- b. "COST OF WATERLINE RELOCATION" as referred to in this AGREEMENT shall consist of the actual costs incurred to complete the WATERLINE RELOCATION in accordance with the water relocation plans reviewed and approved by DISTRICT 40, which shall not include any aforementioned COST OF ROAD IMPROVEMENTS.
- c. "COUNTY'S PORTION OF COST OF ROAD IMPROVEMENTS" as referred to in this AGREEMENT shall mean the COST OF ROAD IMPROVEMENTS for the portion of Tierra Subida Avenue beginning on Avenue Q-8 and ending 1,600 feet south of Avenue Q-8 as said improvements are shown on Exhibit B attached hereto.

(2) CITY AGREES:

- a. To be responsible for all right-of-way acquisition, at CITY'S sole expense, for property needed for the PROJECT, including property owned by DISTRICT 40.
- b. To perform or cause to perform the contract administration, construction inspection, and all needed engineering, materials testing, construction survey, signing, striping, utility relocation, and generally take responsibility for the completion of the PROJECT.
- c. To supervise and remain responsible for the design, construction, completion, and acceptance of the ROAD IMPROVEMENTS and WATERLINE RELOCATION. More particularly, the WATERLINE RELOCATION shall be completed in a manner that minimizes the impact on the operations of WATERWORKS DISTRICT 40, without interruption of water service in the manner approved by WATERWORKS DISTRICT 40, at no additional cost or expense to WATERWORKS DISTRICT 40.
- d. To obtain COUNTY'S prior written approval of the plans and specifications for the WATER RELOCATION and of the cost estimates for both the WATER RELOCATION and the ROAD IMPROVEMENTS at least 30 working days prior to advertising PROJECT for construction bids.
- e. To advertise PROJECT for construction bids, award, and administer the construction contract for the PROJECT.
- f. To obtain COUNTY'S approval of construction contract amount prior to entering into the construction contract for PROJECT, subject to Section (3) d. below.

- g. To finance any and all of the costs of the PROJECT, if any, which may exceed the COUNTY'S and DISTRICT 40's contributions of funds under this AGREEMENT to allow for completion of the PROJECT.
- h. To ensure that COUNTY and DISTRICT 40, and all officers and employees of COUNTY and DISTRICT 40, are named as additional insured party beneficiaries under the construction contractor's Contractor General Liability and automobile insurance policies.
- i. To furnish COUNTY and DISTRICT 40, within sixty (60) calendar days after acceptance of the work for the PROJECT by the CITY'S City Council, a final accounting invoice reflecting the actual total cost of the PROJECT, including separately itemizing in detail the COUNTY'S PORTION OF COST OF ROAD IMPROVEMENTS and the COST OF WATERLINE RELOCATION, respectively, and including an itemization of actual unit costs and actual contract quantities. The Parties acknowledge that DISTRICT 40's total contribution to the COST OF WATERLINE RELOCATION is limited to reimbursement to the CITY of a maximum amount of Four Hundred Eight Thousand and 00/100 Dollars (\$408,000.00) unless DISTRICT 40 has increased said limit with prior written approval, based on revised cost estimates, which preapproval may be granted at DISTRICT 40's sole and absolute discretion.
- j. To release, relieve, and indemnify [pursuant to Section (5) g. below], the COUNTY and DISTRICT 40 of any and all responsibility and/or liability relating to the PROJECT and PARCEL 1-EX1.1 outside of the obligations set forth in this AGREEMENT, including without limitation, relating to the ownership, maintenance, and operation of Tierra Subida Avenue, PARCEL 1-EX1.1, and all ROAD IMPROVEMENTS and relating to the construction and completion of the WATER RELOCATION.
- k. To accept transfer of ownership of PARCEL 1-EX1.1 from COUNTY. CITY acknowledges that COUNTY is not responsible to construct improvements of any kind on PARCEL 1-EX1.1, including as a condition of acceptance of ownership of PARCEL 1-EX1.1 by CITY.

(3) COUNTY AGREES:

- a. To review for approval the plans, specifications, and cost estimate prepared by CITY for PROJECT, prior to advertising PROJECT for construction bids.

- b. To contribute HTC funds toward the COUNTY'S PORTION OF COST OF ROAD IMPROVEMENTS in the amount not to exceed Two Million Six Hundred Ten Thousand and 00/100 Dollars (\$2,610,000.00).
- c. To deposit with CITY, following opening of construction bids for PROJECT and upon demand by CITY, said HTC funds referred to in the immediately preceding Section (3) b. above, in the fixed amount of Two Million Six Hundred Ten Thousand and 00/100 Dollars (\$2,610,000.00).
- d. To review the construction contract bids for PROJECT and provide written approval, comments, or other response, within twenty (20) calendar days of presentation by CITY. COUNTY'S approval may be withheld for good reason and in good faith. If the COUNTY'S response is not received within said twenty (20) calendar days, CITY may proceed with PROJECT subject to the terms and conditions of this AGREEMENT.
- e. To transfer ownership of PARCEL 1-EX1.1 to CITY, gratis.

(4) DISTRICT 40 AGREES:

- a. To reimburse the CITY up to Four Hundred Eight Thousand and 00/100 Dollars (\$408,000.00) of the amount expended by CITY toward the COST OF WATERLINE RELOCATION, which amount that DISTRICT 40 will reimburse shall be determined by a final accounting, as set forth in Section (5) a. below. DISTRICT 40's contribution toward the COST OF WATERLINE RELOCATION shall be limited to Four Hundred Eight Thousand and 00/100 Dollars (\$408,000.00), unless DISTRICT 40 increases said limit with prior written approval, based on revised cost estimates, which preapproval may be granted at DISTRICT 40's sole and absolute discretion.

(5) IT IS MUTUALLY UNDERSTOOD AND AGREED AS FOLLOWS:

- a. DISTRICT 40 shall review the final accounting invoice prepared by CITY under Section (2) i. above for the COST OF WATER RELOCATION and pay to CITY undisputed charges for the WATERLINE RELOCATION within thirty (30) calendar days after receipt of said invoice. DISTRICT 40 shall report to CITY in writing any amounts disputed by DISTRICT 40 within thirty (30) calendar days after the date of said invoice. CITY shall review all disputed charges and submit a written justification to DISTRICT 40 detailing the basis for those charges within thirty (30) calendar days of notice of disputed charges from DISTRICT 40. DISTRICT 40 shall then either make payment of any previously disputed charges based on the CITY'S justification or submit a determination

explaining the basis for nonpayment of any amounts within thirty (30) calendar days after the date of receipt of CITY'S written justification, in which instance DISTRICT 40's determination shall control. Notwithstanding the foregoing, DISTRICT 40's payment of undisputed charges and/or previously disputed charges in all cases remains subject to the limitations stated in paragraph (2) i. above.

- b. COUNTY shall review the final accounting invoice delivered by CITY for the COUNTY'S PORTION OF COST OF ROAD IMPROVEMENTS pursuant to Section (2) i. above and report to CITY in writing any amounts disputed by COUNTY within thirty (30) calendar days after delivery of said invoice. CITY shall review all disputed charges and submit to COUNTY a written justification detailing the basis for those charges within thirty (30) calendar days of notice of disputed charges from COUNTY. COUNTY shall then either approve disputed charges or submit COUNTY'S determination explaining the basis for nonapproval of any amounts within thirty (30) calendar days after the date of receipt of CITY'S written justification, in which instance COUNTY'S determination shall control.
- c. If, following a final accounting based on the procedure outlined in the immediately preceding Section (5) b. above, the COUNTY'S PORTION OF COST OF ROAD IMPROVEMENTS amounts to less than Two Million Six Hundred Ten Thousand and 00/100 Dollars (\$2,610,000.00), CITY shall immediately refund the difference to COUNTY within sixty (60) calendar days of COUNTY'S claim.
- d. During construction of PROJECT, CITY shall furnish an inspector or other representative to perform the functions of an inspector. COUNTY and/or DISTRICT 40 may also furnish, at no cost to CITY, inspector(s) or other representative(s) to inspect construction of PROJECT. COUNTY and DISTRICT 40 shall have no obligation to inspect construction of PROJECT and no liability shall be attributable as a result of COUNTY'S or DISTRICT 40's inspection or failure to inspect. Said inspectors shall cooperate and consult with each other, but the orders of CITY inspector to the contractor or any other person in charge of construction for ROAD IMPROVEMENTS shall prevail and be final. Notwithstanding the foregoing, the orders of DISTRICT 40's inspector, if any, to the contractor or other person in charge of construction relating to the WATERLINE RELOCATION shall prevail and be final. In all cases excepting contrary orders of the DISTRICT 40 inspector with regard to the WATERLINE RELOCATION, the CITY inspector shall remain responsible for proper inspection of PROJECT.

- e. This AGREEMENT may be amended or modified only by mutual written consent of CITY, COUNTY, and DISTRICT 40.
- f. Any correspondence, communication, or contact concerning this AGREEMENT shall be directed to the following:

CITY: Mr. Michael Mischel  
Director of Public Works  
City of Palmdale  
38300 North Sierra Highway  
Palmdale, CA 93550-4798

COUNTY and/or DISTRICT 40 Ms. Gail Farber  
Director of Public Works  
County of Los Angeles  
Department of Public Works  
P.O. Box 1460  
Alhambra, CA 91802-1460

- g. Notwithstanding the provisions of Government Code Section 895.2, and including pursuant to Government Code Section 895.4, the CITY shall remain solely responsible for damage or injury resulting from the ownership, design, construction, operation, and maintenance of Tierra Subida Avenue, PARCEL 1-EX1.1, and the ROAD IMPROVEMENTS and for the design, construction, and completion of the WATERLINE RELOCATION and shall release, indemnify, defend, and hold harmless the COUNTY; its special districts; DISTRICT 40; and their contractors, employees, representatives, agents, and officials (each hereinafter referred to as an "Indemnified Party" and, collectively, as the "Indemnified Parties") for all claims, damages (including, without limitation, special and consequential damages), including punitive damages, injuries, costs, response costs, losses, demands, debts, liens, liabilities, causes of action, suits, legal and administrative proceedings, interest, fines, charges, penalties, and expenses (including without limitation attorneys', engineers', consultants', and expert witness fees and costs) of any kind whatsoever (collectively as the "Loss" or "Losses") resulting therefrom, including, without limitation, in connection with any disputes with any third-party contractor(s) or other third parties relating to the design, construction, maintenance or operation of Tierra Subida Avenue, PARCEL 1-EX1.1, and the ROAD IMPROVEMENTS and for the design, construction, and completion of the WATERLINE RELOCATION, involving mechanics liens or otherwise. Without waiving any rights and notwithstanding the foregoing, the Indemnified Parties agree to first present a claim seeking indemnity and reimbursement from applicable



third-party contractor(s) and/or their insurance carriers that may have performed or may be responsible for work on the PROJECT for the above Losses before seeking indemnity from the CITY. In addition, and notwithstanding the foregoing, the CITY agrees to release, defend, indemnify, and hold harmless the Indemnified Parties in connection with all Losses paid, incurred, or suffered by or asserted against the Indemnified Parties, directly or indirectly arising from or attributable to the presence or alleged presence, transport, arrangement, or release of any hazardous materials, chemicals, or contaminants present at or stemming from the PROJECT, PARCEL 1-EX1.1, or Tierra Subida Avenue, including under the Comprehensive Environmental, Response, Compensation and Liability Act of 1980 (CERCLA) and under the California Health and Safety Code. In addition to being an agreement enforceable under the laws of the State of California, the foregoing indemnity is intended by the parties to be an agreement pursuant to 42 U.S.C. Section 9607(e), Section 107(e), of the amended CERCLA, and California Health and Safety Code Section 25364. The CITY expressly waives any rights under Section 1542 of the California Civil Code, which provides that "A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING THE RELEASE WHICH IF KNOWN BY HIM MUST HAVE MATERIALLY AFFECTED HIS SETTLEMENT WITH THE DEBTOR."

- h. Each party to this AGREEMENT shall do all things and execute and deliver all instructions and documents necessary to fulfill and effect the provisions of this AGREEMENT and protect the respective rights of the parties to this AGREEMENT.
- i. This AGREEMENT contains the entire and complete understanding between the parties regarding the PROJECT and the subject matter hereof. Any prior or contemporaneous agreements, promises, negotiations, or representations, either oral or written, relating to the PROJECT, not expressly set forth here, are hereby superseded and of no force or effect.
- j. Should any of the provisions of this AGREEMENT be determined to be invalid by a court or government agency of competent jurisdiction, such determination shall not affect the enforceability of other provisions herein.
- k. This AGREEMENT shall be binding upon, and inure to the benefit of, the parties hereto and their respective successors, heirs, administrators, and assigns.

- l. The provisions of Assumption of Liability Agreement No. 32073 between CITY and COUNTY, adopted by the Board of Supervisors on December 27, 1977, and currently in effect are inapplicable to this AGREEMENT.
- m. This AGREEMENT shall be deemed drafted by all of the Parties acting together, so as not to be construed against any of them.
- n. Time is of the essence with respect to each of the provisions of this AGREEMENT.
- o. Each party acknowledges to have had ample and complete opportunity to consult with legal counsel regarding the party's rights and obligations contained in this AGREEMENT.
- p. Each person executing this AGREEMENT represents and warrants to have the requisite authority to execute this AGREEMENT and to bind the party on which behalf he or she is purporting to execute.

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IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed by their respective officers, duly authorized, by the CITY OF PALMDALE on February 3, 2010, and by the COUNTY OF LOS ANGELES and LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40 on June 15, 2010.



ATTEST:

SACHI A. HAMAI  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

By [Signature]  
Deputy

APPROVED AS TO FORM:

ANDREA SHERIDAN ORDIN  
County Counsel

By [Signature]  
Deputy

CITY OF PALMDALE

By [Signature]  
Mayor

ATTEST:

By Victoria L. Hancock  
City Clerk

COUNTY OF LOS ANGELES

By Gloria Molina  
Chair, Board of Supervisors

LOS ANGELES COUNTY WATERWORKS  
DISTRICT NO. 40

By Gloria Molina  
Chair, Board of Supervisors of the  
County of Los Angeles as governing  
body thereof

I hereby certify that pursuant to  
Section 25103 of the Government Code,  
delivery of this document has been made.

SACHI A. HAMAI  
Executive Officer  
Clerk of the Board of Supervisors

By [Signature]  
Deputy

APPROVED AS TO FORM:

By [Signature]  
City Attorney

City of Palmdale  
Agreement No. A-3847

IN WITNESS WHEREOF, the parties hereto have caused this AGREEMENT to be executed by their respective officers, duly authorized by the City of Palmdale on February 3, 2010 and by the COUNTY OF LOS ANGELES and LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40 on June 15, 2010.

COUNTY OF LOS ANGELES

By [Signature]  
Chair, Board of Supervisors



ATTEST

SACHI A. HAMAI

Executive Officer of the Board of Supervisors of the County of Los Angeles

LOS ANGELES COUNTY WATERWORKS DISTRICT NO. 40

By [Signature]  
Chair, Board of Supervisors of the County of Los Angeles as governing body hereto

By [Signature]  
Deputy  
APPROVED AS TO FORM

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made

SACHI A. HAMAI  
Executive Officer  
Clerk of the Board of Supervisors

By [Signature]  
Deputy

**ADOPTED**  
BOARD OF SUPERVISORS  
COUNTY OF LOS ANGELES

42 JUN 15 2010

Sachi A. Hamai  
SACHI A. HAMAI  
EXECUTIVE OFFICER

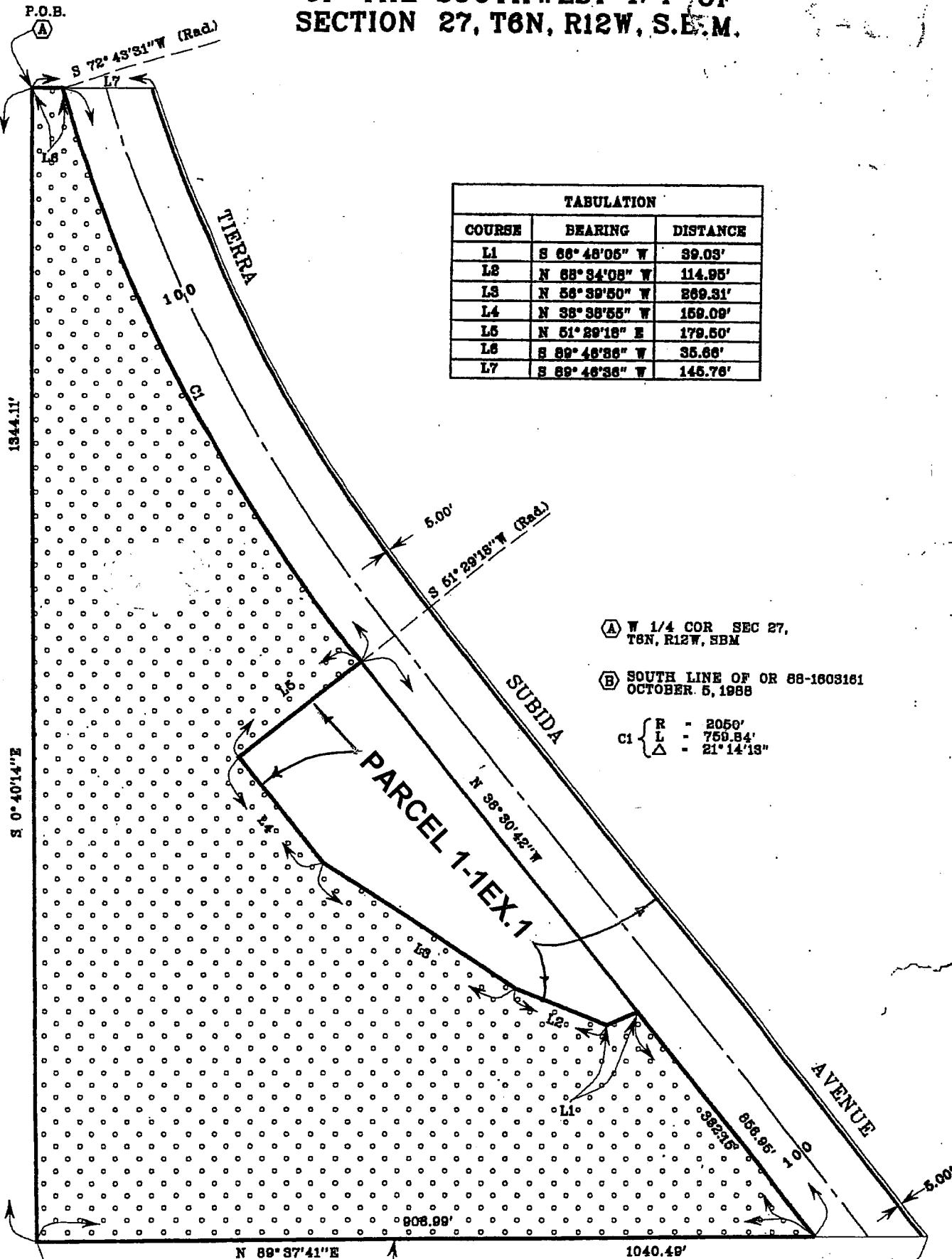
APPROVED AS TO FORM

By [Signature]  
City Clerk

# EXHIBIT "A"

## A PORTION OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 27, T6N, R12W, S.E.M.

TABULATION		
COURSE	BEARING	DISTANCE
L1	S 66° 48' 05" W	39.03'
L2	N 88° 34' 08" W	114.95'
L3	N 56° 39' 50" W	269.31'
L4	N 38° 38' 55" W	159.09'
L5	N 61° 29' 18" E	179.50'
L6	S 89° 48' 36" W	35.66'
L7	S 89° 48' 36" W	145.76'



(A) W 1/4 COR. SEC 27,  
T6N, R12W, SBM

(B) SOUTH LINE OF OR 88-1603161  
OCTOBER 5, 1988

C1 { R - 2050'  
L - 759.84'  
Δ - 21° 14' 13"

**EXHIBIT B**  
**COUNTY PORTION OF COST OF ROAD IMPROVEMENTS**

	DESCRIPTION	PRORATE	QUANT	UNIT	UNIT COST	COST
1	Traffic Control	100.0%	1	LS	\$ 20,000	\$ 20,000
2	Surveying and Grade Stakes	100.0%	1	LS	\$ 15,000	\$ 15,000
3	Sawcut Concrete and Asphalt Concrete Pavement	100.0%	1,065	LF	\$ 2.00	\$ 2,130
4	Remove Concrete Curb, Gutter & Sidewalk	100.0%	1,000	CF	\$ 8.00	\$ 8,000
5	Remove Asphalt Concrete Pavement	100.0%	39,500	SF	\$ 1.00	\$ 39,500
6	Remove Chainlink Fencing	100.0%	710	LF	\$ 3.00	\$ 2,130
7	SWPPP Plan and Erosion Control Measures	87.7%	1	LS	\$ 20,000	\$ 20,000
8	Rock Excavation & Haulaway	87.7%	7,400	CY	\$ 26	\$ 192,400
9	Unclassified Excavation	87.7%	8,182	CY	\$ 10.00	\$ 81,820
10	Remove Unsuitable Soil / Misc Material & Haulaway	87.7%	175	CY	\$ 16.00	\$ 2,800
11	Haulaway Excess Soil Material	87.7%	5,262	CY	\$ 8.00	\$ 42,096
12	Miscellaneous Demolitions, Removals & Abandonments	87.7%	1	LS	\$ 10,000	\$ 10,000
13	Subgrade Preparation	87.7%	1	LS	\$ 40,000	\$ 40,000
14	Crushed Aggregate Base	87.7%	2,719	CY	\$ 70	\$ 190,330
15	Coldmill 1.5" Min Asphalt Concrete Pavement	87.7%	24,556	SF	\$ 1	\$ 24,556
16	1.5" ARHM	87.7%	1,140	TON	\$ 125	\$ 142,500
17	Asphalt Concrete (Type B AR-4000)	87.7%	3,420	TON	\$ 100	\$ 342,000
18	AC Dike	0.0%	0	LF	\$ 8	\$ -
19	8" Curb and Gutter per APWA 120-1, Type A2-200, w=2'	100.0%	3,440	LF	\$ 18	\$ 61,920
20	6" Median Curb & Gutter per APWA 120-1, Type A2-150, w=1'	100.0%	245	LF	\$ 15	\$ 3,675
21	6" Median Curb & Gutter per APWA 120-1, Type A3-150, w=1'	100.0%	245	LF	\$ 15	\$ 3,675
22	6" Mountable Curb per APWA 121-1, Type B1-150	100.0%	176	LF	\$ 13	\$ 2,288
23	4" Thick Trademark Ashlar Slate Pattern w/Durango Tan Dust-On Color Hardener	100.0%	945	SF	\$ 25	\$ 23,625
24	4" PCC Sidewalk	100.0%	24,500	SF	\$ 4.00	\$ 98,000
25	PCC Cross Gutter and Spanrals	100.0%	88	SF	\$ 10	\$ 880
26	PCC Driveway	100.0%	700	SF	\$ 7	\$ 4,900
27	Access Ramps	100.0%	5	EA	\$ 5,000	\$ 25,000
28	Access Ramps per Caltrans A88B, Type B	100.0%	1	EA	\$ 5,000	\$ 5,000
29	Lined Drainage Ditch, 4' Wide	100.0%	0	LF	\$ 20	\$ -
30	Brow Ditch, 3' Wide	100.0%	973	LF	\$ 15	\$ 14,595
31	Curb Opening Catch Basin per APWA 300-2, W=10' & Local Depression per APWA 313-1, Case E	100.0%	1	EA	\$ 10,000	\$ 10,000
32	Curb Opening Catch Basin per APWA 300-2, W=3.5' & Local Depression per APWA 313-1, Case E	100.0%	0	EA	\$ 6,500	\$ -
33	Parkway Drain, W=4'	100.0%	3	EA	\$ 6,000	\$ 18,000
34	18" RCP - 2000D Storm Drain	100.0%	25	LF	\$ 100	\$ 2,500
35	24" RCP - 2000D Storm Drain	100.0%	0	LF	\$ 140	\$ -
36	30" RCP - 2000D Storm Drain	100.0%	0	LF	\$ 200	\$ -
37	Manhole Structures per APWA 321-1	100.0%	1	EA	\$ 6,000	\$ 6,000
38	Junction Structure per APWA 331-2	100.0%	0	EA	\$ 7,000	\$ -
39	Inlet Structure	100.0%	0	EA	\$ 13,000	\$ -
40	Pipe Riser w/Debris Rack Cage per Caltrans D93C, Type A	100.0%	1	EA	\$ 6,000	\$ 6,000
41	Concrete Flared End Section per Caltrans std. D94B, Type A	100.0%	0	EA	\$ 2,000	\$ -
42	Grouted Rip-rap & Cut-Off Wall	100.0%	0	CY	\$ 600	\$ -
43	Retaining Wall	100.0%	0	LF	\$ 500	\$ -
44	Splash Wall	100.0%	7	EA	\$ 2,500	\$ 17,500
45	Concrete Encasement	100.0%	14	LF	\$ 250	\$ 3,500
46	Modify Basin & New Spillway	100.0%	1	LS	\$ 45,000	\$ 45,000
47	8' High Chain Link Fence w/1' Barbed Wire	0.0%	0	LF	\$ 25	\$ -
48	8' High Chain Link Fence W/16' Double Swing Gate & 1' Barbed Wire	0.0%	0	LS	\$ 2,500	\$ -
49	Relocate Air Release Valve	100.0%	2	EA	\$ 4,000	\$ 8,000
50	Adjust Existing Manhole Cover & Frame to Grade	100.0%	0	EA	\$ 1,000	\$ -
51	Adjust Existing Valve Cover & Frame to Grade	100.0%	5	EA	\$ 600	\$ 3,000
52	Erosion Control Blanket	100.0%	29,400	SF	0.70	\$ 20,580
53	Hydroseed Groundcover Mix	100.0%	29,400	SF	0.15	\$ 4,410
54	Miscellaneous Relocations	87.7%	1	LS	\$ 15,000	\$ 15,000
55	Traffic Signals Tierra Subida at Avenue Q-8	0.0%	0	LS	\$200,000	\$ -
56	Traffic Signals Tierra Subida at 5th Street West	0.0%	0	LS	\$200,000	\$ -
57	Traffic Signals - Tierra Subida Ave at Rayburn Road	0.0%	0	LS	\$220,000	\$ -
58	Traffic Signal Interconnection	0.0%	0	LS	\$108,000	\$ -
59	Traffic Striping and Signage	87.7%	1	LS	\$ 25,000	\$ 25,000
60	Street Lights	100.0%	23	EA	\$ 9,500	\$ 218,500
61	Protect Landscaping & Irrigation	100.0%	1	LS	\$ 15,000	\$ 15,000
62	Miscellaneous Construction	100.0%	1	LS	\$ 25,000	\$ 25,000
63	Final Cleanup and As-Built Plans	100.0%	1	LS	\$ 20,000	\$ 20,000
SUBTOTAL						\$1,875,432
CONTINGENCIES		15%				\$281,593
MOBILIZATION		10%				\$215,703
SUBTOTAL - CONSTRUCTION						\$2,372,728
CONSTRUCTION ADMINISTRATION AND INSPECTION		10%				\$237,273
TOTAL ESTIMATED COUNTY COST						\$2,610,000



## RESOLUTION NO. 3908

IT IS RESOLVED that the road widening and improvement of Tierra Subida Avenue between Cactus Drive and City Ranch Road in the City of Palmdale is of general County interest and that County aid in the amount of \$2,610,000 shall be provided for this purpose, from the Road Fund, to be expended in accordance with all applicable provisions of law relating to funds derived from the Highway Users Tax.

Provided, however, that if the aforementioned work has not been started within sixty (60) days from the date of the County warrant in payment, said amount shall be returned to the Director of Public Works and deposited in the Road Fund; and also provided that, immediately upon completion of the work, an itemized statement shall be rendered to the Director of Public Works showing the application of this money for the improvements; and if any portion of said sum shall not have been so used and expended for the work specified, the sum or sums so remaining unexpended shall be returned to the Director of Public Works immediately and deposited in the Road Fund.

The foregoing Resolution was adopted on the 15 day of June, 2010, by the Board of Supervisors of the County of Los Angeles and ex-officio of the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts.



SACHI A. HAMAI  
Executive Officer of the  
Board of Supervisors of the  
County of Los Angeles

By 

Deputy

APPROVED AS TO FORM

ANDREA SHERIDAN ORDIN  
County Counsel

By 

Deputy

RY:dg

CITY OF PALMDALE  
COUNTY OF LOS ANGELES, CALIFORNIA  
RESOLUTION NO. CC 2010-015

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PALMDALE, REQUESTING AN ALLOCATION AND PAYMENT OF COUNTY HIGHWAYS THROUGH CITIES FUNDS FOR TIERRA SUBIDA WIDENING FROM CACTUS DRIVE TO CITY RANCH ROAD.

WHEREAS, the City of Palmdale ("City") is proposing to acquire right of way and widen, reconstruct, and resurface the deteriorated roadway pavement on Tierra Subida Avenue between Cactus Drive and City Ranch Road, including the construction of curb and gutter, sidewalk, driveways, and wheelchair ramps; and installation of street lighting system, traffic signals, and conduit for a future traffic signal interconnect system, and storm drain system, which work is hereafter, collectively, referred to as the PROJECT; and

WHEREAS, Tierra Subida Avenue between Cactus Drive and City Ranch Road are on the Circulation Element of City's General Plan and on County's Highway Plan; and

WHEREAS, property along the PROJECT is owned by County of Los Angeles, and

WHEREAS, Tierra Subida Avenue between Cactus Drive and City Ranch Road are existing streets within the boundaries of the City of Palmdale; and

WHEREAS, PROJECT is of general interest to City and the County of Los Angeles ("County"); and

WHEREAS, under the Highways-Through-Cities program, the County provides financial assistance from the County's road fund to cities for the improvement of highways which provide regional benefit, as provided for in Sections 1680-1683 of the California Streets and Highways Code; and



WHEREAS, the City has requested that the County provide assistance to the City under the Highways-Through-Cities program in the amount of \$2,610,000 to finance a portion of the total cost of PROJECT, which total is estimated to be \$7,500,000;

NOW, THEREFORE, the City Council of the City of Palmdale does hereby find, determine, order and resolve as follows:

SECTION 1. Responsibility for Project. To instruct the City's Director of Public or his designee to administer and be responsible to complete the PROJECT pursuant to the plans and specifications submitted to and reviewed by the County.

SECTION 2. Consent to Expending Highways-Through-Cities funds. To accept Highways-Through-Cities funds ("the Funds") from County on behalf of City in the amount of \$2,610,000, and to consent to the expenditure of the Funds for the aforementioned work, pursuant to all applicable provisions of the law relating to funds derived from the Highway User Tax, as provided for in Sections 1680-1683 of the California Streets and Highways Code. Provided, however, that if the aforementioned work has not been started within 60 days from the date of delivery of the County warrant as advance payment of the Funds, the City shall return said entire amount to the County. It is also ordered that, immediately upon completion of the work, the City shall render to the County's Director of Public Works an itemized statement showing the application of the Funds or any part thereof for the proposed improvements, and if any portion of said sum shall not have been so used and expended for the work specified, the amount of the Funds so remaining unexpended shall be returned immediately to the County's Director of Public Works.

SECTION 3. Indemnification. Notwithstanding the provisions of Government Code Section 895, *et. seq.*, or any other agreement between the COUNTY and the CITY (including that certain "Assumption of Liability Agreement No.32073) City shall agree to release and fully indemnify, defend, and hold harmless the County of Los Angeles and its special districts, and their supervisors, officers, officials, agents, and employees for all amounts, including attorneys' and experts' fees and costs, incurred as a result of any liability, injury or damage relating to the PROJECT.

SECTION 4. Finding of Associated Mitigated Negative Declaration. The City Council does hereby find that the project could have a potentially significant effect on

the environment and thus, mitigation measures have been applied to the project to reduce the potentially significant impacts to a less than significant level, of the California Environmental Quality Act (CEQA) guidelines.

SECTION 5. Adoption. City Clerk shall certify the adoption of this Resolution and forward a certified copy to the Los Angeles County Director of Public Works for processing.

PASSED, APPROVED and ADOPTED this 3<sup>th</sup> day of February 2010.

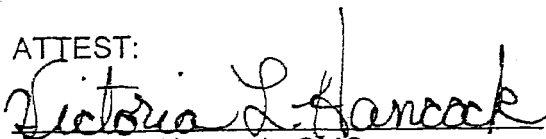
AYES: Ledford, Lackey, Hofbauer, Dispenza, and Bettencourt

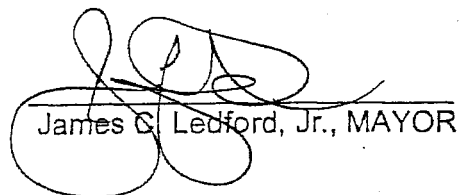
NOES: None

ABSENT: None

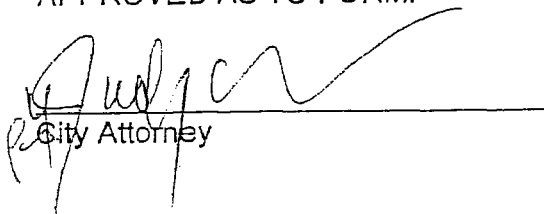
ABSTAIN: None

ATTEST:

  
Victoria L. Hancock, CMC  
City Clerk

  
James C. Ledford, Jr., MAYOR

APPROVED AS TO FORM:

  
City Attorney

## CITY OF PALMDALE

### MITIGATED NEGATIVE DECLARATION

38250 Sierra Highway  
Palmdale, California 93550

Applicant: City of Palmdale Department of Public Works

Address: 38250 Sierra Highway, Palmdale, CA

Project Description: Tierra Subida Corridor Project # 482

Tierra Subida Avenue is a major arterial street designed with 114-foot ultimate street right-of-way width that includes a six-lane roadway, a 14-foot median, and two five-foot wide Class 2 bike lanes within the paved roadway area on each side of the street. The ultimate roadway section includes curb, gutters, 8-foot wide sidewalks, streetlights, street trees, retaining walls (where needed) and drainage facilities. Tierra Subida Avenue is to be widened to the ultimate right-of-way from Palmdale Boulevard to Avenue S, approximately 2.15 miles.

Tierra Subida Avenue provides a north/south connection from Palmdale Boulevard (regional arterial) to the north and Avenue S (major arterial) to the south, both major east/west transportation corridors. Presently, Tierra Subida Avenue alternates between a two lane country-style roadway without curbs, gutters or sidewalks to a more-or-less fully improved roadway cross section on one side, or both sides. Southern California Edison high voltage power lines are located on the west side to Tierra Subida Avenue within the existing right-of-way. The Anaverde Creek drainage course transects Tierra Subida Avenue from west to east, just south of City Ranch Road through an existing double 72 inch CMP culvert. The San Andres Fault and Little Rock Fault, a subsidiary fault of the San Andreas Fault crosses Tierra Subida in the project area. The Environmental Resources Element of the Palmdale General Plan designates Tierra Subida Avenue as a scenic highway.

The traffic analysis prepared by JE Jacobs dated August 28, 2006, states that for Tierra Subida Avenue to operate at an acceptable LOS (D or better) based on a 4% annual growth, the project would be required to be developed to a six lane facility with signalized intersections at: Palmdale Boulevard, Date Palm Drive, West Avenue Q-8, 5<sup>th</sup> Street West, and Rayburn Road.

Development of Tierra Subida is organized into three project phases, 2, 3 and 4. Phase 1 has been completed with development of the Palmdale Medical Center and Tracts 46910 and 53869. Additional right-of-way will be acquired for roadway widening, right turn pockets and double left turn pockets, and slopes as necessary.

Project Location                      Tierra Subida Avenue between Palmdale Boulevard and Avenue S

On the basis of the Initial Study prepared for the project, it has been determined that the project has the potential for a significant effect on the environment and has been modified to incorporate the mitigation measures listed below so that it would not have a potentially significant effect on the environment. A copy of said Initial Study is attached to this Mitigated Negative Declaration.

- AIR - 1** The construction contractor shall select the construction equipment used on-site based on low emission factors and high-energy efficiency. The construction contractor shall ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications.
- AIR - 2** The construction contractor shall utilize electric or diesel powered equipment in lieu of gasoline-powered engines where feasible.
- AIR - 3** The construction contractor shall ensure that construction grading plans include a statement that work crews will shut off equipment when not in use. During smog season (May through October), construction activities shall be suspended during second stage smog alerts.
- AIR - 4** The construction contractor shall time the construction activities so as to not interfere with peak hour traffic and minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flagperson shall be retained to maintain safety adjacent to existing roadways.
- AIR - 5** The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.
- AIR - 6** Dust generated by the development activities shall be retained on-site and kept to a minimum by the dust-control measures listed below.

- a. During clearing, grading, earthmoving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems shall be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
- b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning, after work is completed for the day, and whenever wind exceeds 15 miles per hour.
- c. After clearing, grading, earthmoving, or excavation is completed, the entire area of disturbed soil shall be treated immediately until the area is paved or otherwise developed so that dust generation will not occur.
- d. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
- e. Trucks transporting soil, sand, cut or fill materials, and/or construction debris to or from the site shall be tarped from the point of origin.

**WAT - 1** Coordinate with the Regional Water Quality Control Board (RWQCB), and California Department of Fish and Game (CDFG) to obtain concurrence on the delineation and to determine permitting requirements for development within the area of Anaverde Creek.

**BIO - 1** The developer/applicant shall submit for review and approval a Joshua Tree Native Vegetation Preservation Plan and comply with all provisions of Municipal Code Chapter 14.04, Joshua Tree and Native Vegetation Preservation and the Desert Vegetation Preservation Plan prepared for the project.

**BIO - 2** Prior to site grading, a presence/absence focused survey for the white-bracketed spineflower (CNPS List 1B) shall be conducted on the project site by a qualified biologist. If a significant population of white-bracketed spineflower (greater than 200 individuals) is observed within the final construction footprint. The applicant is to submit a report to

the City of Palmdale and the California Department of Fish and Game (CDFG) for review and comply with any required mitigation measures.

- BIO - 3** A Nesting Bird Survey shall be conducted by a qualified biologist 7 days prior to grading/vegetation removal if grading is to occur during the primary nesting season (January 1 - July 31). The applicant is to submit a report to the City of Palmdale and the California Department of Fish and Game (CDFG) for review and comply with any required mitigation measures.
- HAZ - 1** Prior to and during construction, test and remove any yellow traffic striping and pavement marking material in accordance with SSP XE 15-300.
- HAZ - 2** Prior to construction, test soil beneath utility pole-mounted transformers within the project area for polychlorinated biphenyls (PCBs).
- HAZ - 3** Determine if removal of groundwater will be required during construction of the project. Any dewatering will be required in compliance with the Stormwater Permit or an individual permit from the Lahontan Regional Water Quality Control Board (RWQCB), consistent with NPDES requirements. The RWQCB will decide which permit is applicable and whether sampling is required, once it receives and reviews the Notice of Intent (NOI).
- CUL-1** A trained paleontological monitor will be present during ground-disturbing activities within Anaverde Creek sediments to review and determine if there are any paleontological resources. The monitor will be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources and to evaluate the find and make recommendation as to disposition, mitigation and/or salvage.

RESPONSIBLE AGENCIES: Regional Water Quality Control Board.

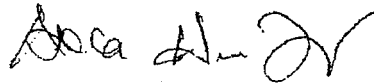
TRUSTEE AGENCIES: California Department of Fish and Game.

Mitigated Negative Declaration  
Tierra Subida Corridor Project # 482  
August 14, 2008  
Page 5

Notice Pursuant to Section 21092.5 of the Public Resources Code:

A Hearing will be held by the City Council of the City of Palmdale in the Palmdale Council Chambers, 38300 Sierra Highway, Suite B, Palmdale, California on September 17, 2008, at 7:00 p.m. to consider this project. At that time, any interested person is welcome to attend and be heard on this matter.

Prior to the Hearing, the public is invited to submit written comments on this Mitigated Negative Declaration to the Palmdale Planning Department, Attention: Donna Fairchild, Associate Planner, 38250 Sierra Highway, Palmdale, California 93550; or phone (661)267-5200. Please refer to the Case Description listed above.



Asoka Herath  
Director of Planning

8-20-08

Date

CITY OF PALMDALE  
PLANNING DEPARTMENT  
INITIAL STUDY  
QUESTIONNAIRE

**I. APPLICABILITY OF THE INITIAL STUDY**

- A. Is the proposed action a "project" as defined by CEQA?  
☒ Yes ☐ No

1. If the project qualifies for one of the Categorical Exemptions listed in Section 6.C. of the City's CEQA Guidelines, is there a reasonable possibility that the activity will have a significant effect due to special circumstances? ☐ Yes ☒ No ☐ N/A

**II. INITIAL STUDY REVIEW**

- A. Does the project require a 30-day State Clearinghouse review?  
☒ Yes ☐ No

1. There is a State "trustee agency", California Department of Fish and Game.
2. The project may require a Section 401 permit from the Regional Water Quality Control Board.
3. The project may require a Section 1601 or 1603 permit from the California Department of Fish and Game.

**III. PROJECT ASSESSMENT**

- A. Project Description:

Tierra Subida Avenue is a major arterial street, designed with a 114-foot street width that includes six-lane roadway, a 14-foot median and two five-foot wide Class 2 bike lanes within the paved roadway area on each side of the street. The ultimate roadway section includes curb, gutters, 8-foot wide sidewalks, streetlights, street trees, retaining walls (where needed) and drainage facilities. Tierra Subida Avenue is to be widened to the ultimate right-of-way from Palmdale Boulevard to Avenue S, approximately 2.15 miles.



INITIAL STUDY  
Tierra Subida Corridor Project # 482  
Page 3

Development of Tierra Subida is organized into three project phases, 2, 3 and 4. Phase 1 has been completed with development of the Palmdale Medical Center. Additional right-of-way will be acquired for roadway widening, right turn pockets and double left turn pockets, and slope easements as necessary.

B. Description of the Project Site:

Tierra Subida Avenue provides a north/south connection from Palmdale Boulevard (regional arterial) to the north and Avenue S (major arterial) to the south, both major east/west transportation corridors. Presently, Tierra Subida Avenue alternates between a rural roadway without curbs, gutters or sidewalks to a more-or-less fully improved roadway cross section on one side, or both sides. Los Angeles County owns a large parcel of land on the west side of Tierra Subida Avenue located between the crest of the roadway and West Avenue Q-8. The property has water storage tanks and other facilities that serve the Los Angeles County Waterworks. Palmdale Water District has an existing 12-inch water line located within Phase 2 area of Tierra Subida Avenue between the Anaverde Channel and 5<sup>th</sup> Street West with the water line turning easterly in 5<sup>th</sup> Street West. Southern California Edison high voltage power lines are located on the west side to Tierra Subida Avenue within the existing right-of-way, the entire length of the street. The Anaverde Creek drainage course transects Tierra Subida Avenue from west to east, just south of Rayburn Road through an existing double 72 inch CMP culvert. The San Andres Fault and Little Rock Fault, a subsidiary fault of the San Andreas Fault, crosses Tierra Subida through portions of Pelona Vista Park and Rayburn Road within the project area. The Environmental Resources Element of the Palmdale General Plan designates Tierra Subida Avenue as a scenic highway. Tierra Subida Avenue has a sharp crest in the roadway profile located southerly of West Avenue Q-8 within the Phase 2 area. Within the crest area of Tierra Subida Avenue, the roadway may have to be lowered by as much as 8.8 feet. The ultimate design has yet to be determined.

INITIAL STUDY  
Tierra Subida Corridor Project # 482  
Page 4

C. Surrounding Land Uses:

Land uses adjacent to the project site consist of commercial, single-family residences, a medical center and senior housing facility under construction, medical office buildings, vacant land and a public park. On the west side of Tierra Subida Avenue between Palmdale Boulevard and West Avenue Q-8 there is an existing commercial center, one piece of vacant land and existing single-family residences. Further south on the west side of Tierra Subida Avenue from West Avenue Q-8 to Avenue S is mostly vacant land with one residence fronting onto Tierra Subida Avenue, the landfill access road and Avenue R-8. On the east side of Tierra Subida Avenue from Palmdale Boulevard to West Avenue Q-8 there is a small commercial center; vacant land; medical center, senior housing facility and two proposed medical office buildings under construction; and existing single-family residences. Beyond West Avenue Q-8 to the south on the east side to Tierra Subida Avenue are existing single family homes, vacant land, 5<sup>th</sup> Street East, existing single family homes, vacant land, Rayburn Road, Pelona Vista Park, the Anaverde Creek, and vacant land to Avenue S. A proposed commercial development is proposed at the northeast and northwest corner of Avenue S and Tierra Subida that has been approved by the Planning Commission but continued indefinitely by the City Council.

D. Is the proposed project consistent with:

	<u>Yes</u>	<u>No</u>	<u>N/A</u>
City of Palmdale General Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Applicable Specific Plan	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
City of Palmdale Zoning Ordinance	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Air Quality Management Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Congestion Management Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Regional Comprehensive Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

INITIAL STUDY  
Tierra Subida Corridor Project # 482  
Page 5

E. Have any of the following studies been submitted?

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Geology Report                 | <input type="checkbox"/> Historical Report                 |
| <input checked="" type="checkbox"/> Hydrology Report               | <input type="checkbox"/> Archaeological Report             |
| <input type="checkbox"/> Soils Report                              | <input type="checkbox"/> Paleontological Study             |
| <input checked="" type="checkbox"/> Traffic Study                  | <input checked="" type="checkbox"/> Line of Sight Exhibits |
| <input type="checkbox"/> Noise Study                               | <input type="checkbox"/> Visual Analysis                   |
| <input checked="" type="checkbox"/> Biological Study               | <input type="checkbox"/> Slope Map                         |
| <input type="checkbox"/> Native Vegetation                         | <input checked="" type="checkbox"/> Fiscal Impact Analysis |
| <input type="checkbox"/> Preservation Plan                         | <input type="checkbox"/> Air Quality Report                |
| <input type="checkbox"/> Solid Waste                               | <input type="checkbox"/> Hazardous Materials/              |
| <input type="checkbox"/> Generation Report                         | Waste  |
| <input type="checkbox"/> Public Services/<br>Infrastructure Report |  |

(Studies may be reviewed by contacting the case planner at (661) 267-5200.)

**IV. DETERMINATION**

On the basis of this initial evaluation:

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A Mitigated Negative Declaration will be prepared.

This initial study was prepared by:

8-11-08  
Date

8-11-08  
Date

Donna Fairchild, Associate Planner

[Signature]  
Richard Kite

Assistant Director of Planning

[Signature]  
Asoka Herath  
Director of Planning

## **V. EARLIER ANALYSIS**

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or (mitigated) negative declaration. In this case, a discussion should identify the following:

City of Palmdale General Plan FEIR 91-3, (SCH No. 87120908) prepared for the City of Palmdale by Michael Brandman Associates, and certified by the Palmdale City Council (Resolution No. 93-10) on January 25, 1993. EIR 91-3 was prepared to analyze the potential impacts from full build out of the City's General Plan, including the provision of roadways, infrastructure and development of urban uses.

This EIR identified significant impacts to air quality, loss of open space, seismic related risks, biological resources, jobs/housing balance, traffic impacts at 11 roadway links and cumulative impacts to groundwater resources that would occur with implementation of the City's General Plan. All other impacts were found to be mitigatable to a level of insignificance through the mitigation measures imposed under the EIR and implementation measures contained within the General Plan. Despite these impacts, the General Plan represents a balance in the community for the protection of the environment and accommodation of growth pressures in the area.

Improvements analyzed in the General Plan FEIR include construction of full street improvements contained in the City's Circulation Plan, bikeways, trails and parks as shown in the City's Parks, Recreation and Trails Element, building out the planning area in accordance with the City's Land Use Element, and the provision of public services to promote public health, safety, and welfare. Mitigation measures identified in the FEIR will reduce most of the impacts of future development under the proposed plan to a less than significant level. The majority of the policies and implementation programs in the General Plan serve as mitigation measures for the potential environmental impacts of build out under the plan. The EIR is available for review at the City of Palmdale Planning Department.

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A portion of this proposed development was also evaluated under Environmental Impact Report (EIR) 02-01 (SCH # 2003081136) which was prepared by RBF Consulting to analyze the potential environmental impacts resulting from development of the proposed Palmdale Medical Center and related senior housing development. EIR 02-01 was certified by the City of Palmdale Planning Commission on October 7, 2004, by Resolution No PC-2004-076, in compliance with the provisions of the California Environmental Quality Act, as amended. EIR 02-01 was certified by the City Council of the City of Palmdale on October 25, 2004, by Resolution No. CC 2004-284, in compliance with the provisions of the California Environmental Quality Act, as amended. The EIR determined that the project would result in impacts related to Traffic and Circulation, Noise, Geology and Soils, Hydrology, Air quality, Public Services and Utilities, Aesthetics / Light and Glare, Biological Resources, Cultural Resources and Public Safety. These impacts were found to be potentially significant, but can be mitigated to a less than significant level, with the imposition of mitigation measures applied to the project under the Conditions of Approval for CUP 03-09. Further, the EIR determined that the project would result in short-term and long-term impacts to air quality and aesthetics. Despite implementation of the stated mitigation measures for impacts related to air quality and aesthetics, significant and unavoidable short-term and long-term air quality impacts and aesthetic impacts would remain. A statement of Overriding Consideration was adopted by the Planning Commission and the City Council of these significant and unavoidable impacts. This EIR is available for review at the City of Palmdale Planning Department.

Pelona Vista Park EIR

Environmental Impact Report (EIR) 69-01, (SCH No. 96041093) prepared by Robert Bein, William Frost & Associates, and certified by the Palmdale City Council. EIR 69-01 was prepared to analyze the potential impacts for the development of a sports complex within Pelona Vista Park located east of Tierra Subida Avenue and south of Rayburn Road.

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This EIR identified significant impacts to earth resources, drainage and water quality, noise, traffic and circulation, aesthetics, biological resources and cultural resources that were found to be mitigatable to a level of insignificance through the mitigation measures imposed under the EIR. However, impacts to change in topography, seismicity, air resources, light and glare, air quality, land use and planning would have significant impacts despite the implementation of mitigation measures therefore, a Statement of Overriding Consideration was adopted for these impacts. The Environmental Impact Report is available for review at City of Palmdale Planning Department.

Tierra Subida and Avenue S Development

Environmental Impact Report (EIR) 05-01, (SCH No. 2005051049) prepared by Impact Sciences, and certified by the Palmdale City Council (Resolution No. CC-2006-219) on September 20, 2006. EIR 05-01 was prepared to analyze the potential impacts for the development of two 82,450 square foot and 102,589 square foot retail commercial centers on 12.42 acres and 14.55 acres respectively to be located on the northwest and northeast corner of Tierra Subida Avenue and Avenue S.

This EIR identified significant impacts to geology and soils, noise, transportation and circulation, biology, cultural resources and public services that were found to be mitigatable to a level of insignificance through the mitigation measures imposed under the EIR. However, impacts to air quality and land use and planning would have significant impacts despite the implementation of mitigation measures therefore, a Statement of Overriding Consideration was adopted for these impacts. The Environmental Impact Report is available for review at City of Palmdale Planning Department.

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**VI. EVALUATION OF ENVIRONMENTAL IMPACTS**

**A. Earth:**

Based on the geotechnical or soils study for the project, review by the City's Engineering Department, and/or the General Plan Update:

**1. Soils**

- a. Are there any areas of potential differential settlement on the project site which could significantly impact development of the proposed project?

☐ ☐ ☒ ☐

- b. Is the site in an area of high shrink/swell (hydrocompaction) potential which could significantly impact development of the proposed project?

☐ ☐ ☒ ☐

- c. Is the site in an area of potential subsidence?

☐ ☐ ☒ ☐

- d. Will the project result in a significant increase in wind or water erosion of soils, either on- or off-site?

☐ ☐ ☒ ☐

- e. Could the project result in siltation deposition, or erosion which may modify a stream channel, or adversely affect downstream flood control facilities?

☐ ☐ ☒ ☐

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The project site is identified as having low to moderate soil expansion potential, moderate erosion potential, moderate to slow soil infiltration capacity, and unclassified subsidence potential according to Exhibits S-10, S-11, S-12, and S-14 of the Palmdale General Plan. A detailed settlement analyses was not performed as part of the Geotechnical Analysis. However, according to the Pavement Design Report prepared by Earth Systems Southern California dated June 5, 2005, states that subsurface soils were alluvial deposits, consisting predominately of silty sands with variable amounts of clay and found to be in medium to dense conditions. Based upon the results of the "R" Value tests, the upper site soils when recompacted, have a moderate to good pavement bearing capacity. Therefore, based on the information contained within the Pavement Design Report prepared by Earth Systems Southern California, project impacts associated with differential settlement are considered to be less than significant based on the existing medium to dense soil conditions.

The Earth Systems Southern California report stated that free ground water was not encountered in the borings and static aquifer groundwater levels in the vicinity of the site are estimated to be deeper than 100 feet below the existing surface (U.S. Geological Survey Water Date Report CA 93-5; Volume V: Goundwater Data, March 1993). However, shallow groundwater may be encountered in the vicinity of Anaverde Creek and south to Avenue S in the vicinity of the San Andreas Fault based on the State of California Seismic Hazard Zones Map for the Ritter Ridge Quadrangle dated August 14, 2003. However, site specific geotechnical reports will be prepared in conjunction with final design plans for these areas and potential impacts associated with shrink/swell (hydrocompaction) will be addressed at that time. Therefore, impacts associated with shrink/swell (hydrocompaction) is a less than significant impact.

According the General Plan Exhibit S-14, the project site has unclassified subsidence potential. The Earth Systems Southern California report states that soil subgrades beneath any existing pavement areas that are to be constructed should be excavated a minimum of six inches below the proposed finished subgrade, scarified, moisture conditioned and uniformly



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compacted to at least 90% of maximum dry density using mechanical compaction equipment. The proposed project improvements will be designed, constructed, and maintained in compliance with the City's Public Works Department standards, thereby reducing potential impacts associated with subsidence to a less than significant level.

Construction of the proposed road improvements will require that earth fill material be moved, imported, and/or temporarily stockpiled within the project site which is subject to erosion. Therefore, construction projects resulting in the disturbance of 1 acre or more of soil are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit issued by the Regional Water Quality Control Board (RWQCB). Prior to beginning construction activities, the construction contractor will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP). The measures in the SWPPP must include storm water best management practices (BMPs) acceptable to the Lahontan Regional Water Quality Control Board, the City of Palmdale and the County of Los Angeles. Adherence during construction to the provisions of the NPDES permit and applicable BMPs contained in the SWPPP will reduce the impacts associated with erosion to a less than significant level.

2. Earthquakes

Based on the Alquist-Priolo Earthquake Fault Zoning Map (as amended 1994) and California Division of Mines and Geology Special Publication 42 (1997), or the geotechnical report for the project site:

- a. Is the site in a fault rupture hazard zone? ☒ Yes ☐ No

If yes:

- i. Is there an active or potentially active fault on the project site? ☒ Yes ☐ No

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- ii. Does the project include a school, emergency or public facility, day care center, nursing home, or high rise building? ☐ Yes ☒ No

- b. Is the site in a zone subject to seismic ground shaking, ground failure, or liquefaction?

☐ ☐ ☒ ☐

The project site is located within splays of the San Andreas Fault and Little Rock Fault (a subsidiary fault of the San Andreas Fault), Alquist-Priolo Earthquake Fault Hazard Zone. A portion of the site in the vicinity of Anaverde Creek to the north and Avenue S to the south is located in an area of potential liquefaction according to the State of California Seismic Hazard Zones Map for the Ritter Ridge Quadrangle dated August 14, 2003. The entire area would be subject to ground shaking resulting from seismic activity and a portion of the site subject to potential liquefaction in the vicinity of Anaverde Creek and the San Andreas fault crossing locations of Tierra Subida Avenue. However, the proposed Tierra Subida Avenue widening does not propose the construction of a critical facility such as a school, emergency or public facility, day care center, nursing home, or high rise building.

The potential for liquefaction is discussed in Section A1 above and may impact those areas in the vicinity of the Anaverde Creek and the area south to Avenue S in the vicinity of the San Andreas fault. Impacts associated with liquefaction are considered less than significant due to the nature of the project. Therefore, impacts associated with ground shaking and liquefaction are considered to be less than significant.

3. Slopes

Based on the U.S.G.S. Topographic Map, the slope map submitted for the project, the geotechnical report for the project, and/or a site inspection:

- a. Does the project site contain slopes of 10% or greater?

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	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Is any significant modification of major landforms proposed?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Is the project in an area of landslide risk, or are landslides present on the project site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Will project grading create slopes, on- or off-site, that could be subject to landslides, mud slides, or erosion?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The project area does not contain slopes 10% or greater. The proposed project site has elevations ranging from 2888 feet at Avenue S to 2700 feet at Palmdale Boulevard, a drop of 188 feet from the highest point to the lowest point at Palmdale Boulevard. The proposed project site contains a ridge, cresting at the summit and sloping at a rate of approximately 3% to 4% south of the intersection of West Avenue Q-8. Development of the road in this area will require the lowering of the roadway profile to reduce the raised area. Reducing the height of the ridge will improve the sight distance traveling north on Tierra Subida Avenue at West Avenue Q-8 as stated in the Project Study Report prepared by JE Jacobs dated August 28, 2006. Therefore, modification of the landform resulting from the street widening to the maximum width of 114 feet, including any off site slopes as required in the final design of the street is only minimal and does not create or remove visual vistas to the surrounding residents and will increase the sight distance traveling north on Tierra Subida Avenue at West Avenue Q-8.

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Project grading will not create slopes, on- or off-site, that could be subject to landslides, mudslides, or erosion. The proposed roadway improvements will occur at grade and within, or immediately adjacent to the existing right-of-way. With the implementation of standard Engineering erosion control measures, development of the project will have a less than significant impact to landslides, mud slides or erosion.

4. Quarry Zone

Based on a site inspection, the City's General Plan Land Use Map, and/or the Significant Gravel Resource Area Maps of the State Department of Mines and Geology:

- a. Would development of the project impede the extraction of significant mineral resource deposits?

☐
☐
☐
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As indicated in Exhibit 3-19, Sand and Gravel Resource Area, Palmdale General Plan EIR (1992), the project is not located within a State-designated significant resource area. The project will develop land within the right-of-way of Tierra Subida Avenue between Palmdale Boulevard and Avenue S and the land directly adjacent to the right-of-way. Development of the project site will involve traffic delays during construction; however, this project is not located with a State-designated significant resource area and development of the project area will not impede a transportation corridor needed to transport material to State Highway 14. Therefore, development of the project site will not have an adverse impact or impede the extraction of significant mineral resource deposits utilized for mineral resource extraction.

B. Air:

Based on the criteria in the South Coast Air Quality Management Handbook for the Preparation of EIRs (1987), the Air Quality Study prepared for the proposed project, the South Coast Air Quality Management Plan, and EIR (1991), and/or the land use proposed:

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1. Emissions

- a. Will the project result in significant air emissions or deterioration of ambient air quality either from stationary or mobile sources?

☐ ☒ ☐ ☐

- b. Could the proposed project produce potentially toxic air emissions?

☐ ☐ ☒ ☐

- c. Will the project potentially result in the creation of objectionable odors?

☐ ☐ ☒ ☐

- d. Could the project result in the alteration of air movement, moisture or temperature, or any change in climate either locally or regionally?

☐ ☐ ☒ ☐

Development of the project will only generate short term air pollutant emissions associated with development of the site and will not create objectionable odors, or change air movements, moisture or temperature or change the climate either locally or regionally because the emissions associated with related street construction for the widening of Tierra Subida Avenue are only short term during construction of the site.

Long-term emissions would improve from roadway improvements due to increased traffic flow in the project vicinity lowering the total pollutants emitted by motor vehicles and regional traffic trips would remain similar. The proposed project is not expected to generate any additional traffic.

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Additionally, the General Plan EIR adequately addressed the mobile source emission impacts and no further analyses are required. Therefore, long-term impacts associated with air emissions are less than significant.

Air pollutant emissions associated with heavy equipment used for development of the project would occur over the short term from construction, dust from grading/site preparation and equipment exhaust. The following mitigation measures have been applied to the project to mitigate the short-term emissions associated with heavy equipment use.

- AIR -1** The construction contractor shall select the construction equipment used on-site based on low emission factors and high-energy efficiency. The construction contractor shall ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications.
- AIR - 2** The construction contractor shall utilize electric or diesel powered equipment in lieu of gasoline-powered engines where feasible.
- AIR - 3** The construction contractor shall ensure that construction grading plans include a statement that work crews will shut off equipment when not in use. During smog season (May through October), construction activities shall be suspended during second stage smog alerts.
- AIR - 4** The construction contractor shall time the construction activities so as to not interfere with peak hour traffic and minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flagperson shall be retained to maintain safety adjacent to existing roadways.

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**AIR - 5** The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.

**AIR - 6** Dust generated by the development activities shall be retained on-site and kept to a minimum by the dust-control measures listed below.

- a. During clearing, grading, earthmoving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems shall be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
- b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning, after work is completed for the day, and whenever wind exceeds 15 miles per hour.
- c. After clearing, grading, earthmoving, or excavation is completed, the entire area of disturbed soil shall be treated immediately until the area is paved or otherwise developed so that dust generation will not occur.
- d. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
- e. Trucks transporting soil, sand, cut or fill materials, and/or construction debris to or from the site shall be tarped from the point of origin.

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Therefore with the implementation of the above listed mitigation measures development of the project will have a less than significant impact on the environment for short-term air emissions.

C. Water:

1. Natural Streams, Springs, and Wetlands

Based on the type of project, the U.S.G.S. Topographics Maps, the exhibits and studies submitted for the project, and/or a site inspection:

- a. Does the project site contain a blue-line stream, spring, seep, or wetland?

☐ ☒ ☐ ☐

- b. Will the project include changes in the course or volume of water in a local stream or wetland which require Department of Fish and Game or Army Corps of Engineers permits?

☐ ☒ ☐ ☐

- c. Will the project result in the loss of, or changes to, significant stands of riparian vegetation?

☐ ☐ ☒ ☐

The project site contains Anaverde Creek, a blue line stream, as indicated on USGA Topographic Map, Ritter Ridge Quadrangle. The Biota report prepared by LSA dated November 2007, stated that Anaverde Creek must possess three wetland characteristics to be considered a jurisdictional wetland under Section 404. The three wetland characteristics are hydrophytic vegetation, hydric soils and wetland hydrology. Each characteristic has a specific set of mandatory wetland criteria that must be satisfied. The Anaverde Creek is currently dry and void of hydrophytic



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vegetation, hydric soils and wetland hydrology. The developer/applicant is required to consult with the California Department of Fish and Game (CDFG) to determine the permitting requirements for any work impacting the Anaverde Creek. The mitigation measure is listed below.

Lahontan Regional Water Quality Control Board has regulatory authority over waters of the United States pursuant to Section 401 of the Clean Water Act and waters of the State pursuant to the Porter-Cologne Water Quality Control Act (Porter—Cologne Act). The Corps cannot issue authorization for fill or discharge into waters of the United States without a Certification of Water Quality from the RWQCB. Therefore, the widening of Tierra Subida Avenue over the Anaverde Creek may require a Report of Waste Discharge from the Lahontan Regional Water Quality Control board and may be subject to Waste Discharge Requirements by the RWQCB with development of the site. The following mitigation measure has been added to the project:

**WAT – 1** Coordinate with the Regional Water Quality Control Board (RWQCB), and California Department of Fish and Game (CDFG) to obtain concurrence on the delineation and to determine permitting requirements for improvements in the area of Anaverde Creek.

With the implementation of the above-mentioned mitigation measure development of the project will not have an adverse impact to the environment.

## 2. Other Surface Waters

Based on a site inspection, and review of the Map of Aqueduct Facilities (Dept. of Water Resources, East Branch Hydrology Palmdale Area), and/or the General Plan:

If the project is adjacent to or near the California Aqueduct:

- a. Could the project result in a significant increase in runoff of storm or nuisance water toward the aqueduct?

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<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- b. Will the project be significantly affected by storm or nuisance water runoff flowing through aqueduct culverts or pools?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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The proposed project is located approximately 1,800 feet east of the aqueduct at Avenue S. However, Avenue S is located downstream from the aqueduct and development of Tierra Subida Avenue will not significantly increase storm or nuisance water runoff toward the aqueduct.

In the event of a large magnitude local earthquake on the San Andreas Fault, portions of the California Aqueduct are likely to fail. Exhibit S-7 of the General Plan indicates that Channel Pool #52 would fail and flow toward Tierra Subida Avenue and Rayburn Road. In the event of a large seismic event The Department of Water Resources (DWR) has installed flood control gates to mitigate any structural failure from the aqueduct. Therefore, development of the project will not have a significant effect on the environment due to the increase runoff of storm or nuisance water toward the aqueduct or will the project be significantly affected by storm or nuisance water runoff flowing through aqueduct culverts or pools.

Based on a review of the General Plan and/or a site inspection:

- c. Is the project located above Lake Palmdale where urban runoff could significantly impact the lake?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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- d. Is the project located in an inundation area below Lake Palmdale dams, or Littlerock Dam?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The Tierra Subida Avenue widening project is located below or northwest of Lake Palmdale and runoff from this project would not impact Lake Palmdale.

The proposed project is located approximately 1.6 miles northwest of Lake Palmdale and approximately 5.5 miles northwest from Littlerock Dam. A review of the Inundation Areas, Exhibit S-6, of the General Plan indicates that the proposed project is located outside of the anticipated inundation areas for both dams. Therefore, development of this project will not have a significant impact on Lake Palmdale or Littlerock Dam.

Based on review of the FIRM Map, the Master Plan of Drainage and/or review by the Department of Public Works/Engineering:

- e. Is the site in an area of flood hazard as shown on the FIRM Map, or as identified by the Engineering or Public Works Departments?

☐ ☐ ☒ ☐

- f. Will the project result in a significant increase in peak runoff that could increase flood hazard off-site?

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- g. Would development of the project impede the implementation of the City's Master Plan of Drainage or Drainage Management Plan?

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A review of the FIRM map indicates the Anaverde Creek, located south of Rayburn, is within in the AE Zone area of flood as indicated on Flood Insurance Rate Map Community Control Panel Number 060144 020 D dated March 30, 1998. Currently the Anaverde Creek crossing of Tierra Subida Avenue consists of a double 72-inch diameter CMP culvert. The

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Project Study Report by JE Jacobs dated August 28, 2006, recommends construction of six 10 foot by 10 foot barrel reinforced box culvert with the proposed widening of the street. The proposed barrel reinforced box culvert design is based on actual flood data as indicated with the AE zone designation. Additionally, the Anaverde Creek drains to the east into the proposed Pelona Vista Flood Control Basin which is a designated regional basin in the City's Master Plan of Drainage. A study has been prepared for the proposed project by Pacific Advanced Civil Engineering, Inc. (PACE) dated May 2007. Final design of the reinforced box culvert will also be reviewed for consistency with the PACE study. Therefore, development of Tierra Subida Avenue within the channel and flood zone area of Anaverde Creek and related box culverts is consistent with the City's Master Plan of Drainage and will contribute to the implementation of the Master Plan of Drainage.

The proposed improvements on Tierra Subida Avenue include the installation of curbs, gutters, storm water conveyance facilities, and asphalt pavement. The installation of additional pavement will incrementally increase the volume of storm flow produced. Upon completion of the proposed project, storm flows will be contained within the curb and gutter of the roadway. The additional runoff anticipated with the widening of the road would be accommodated by the design of the storm drain system, and would not increase flood hazards off-site. Impacts associated with this issue are considered less than significant.

Therefore, development of this project will not result in a significant increase in peak runoff that could increase flood hazard off-site and will not impede the implementation of the City's Master Plan of Drainage.

- h. Will any aspect of the project result in discharge of materials into surface waters, or in any alteration of surface water quality, including but not limited to, temperature, dissolved oxygen, or turbidity?

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- i. Will the project result in the significant alteration of the direction or rate of flow of groundwater?

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☐
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Widening of Tierra Subida Avenue over the Anaverde Creek may require fill dirt and construction of the box culvert as stated above. A mitigation measure, as stated in response C-1 (Water) above, requires the developer/applicant obtain a 401 permit from the Regional Water Quality Control Board (RWQCB) to comply with regulations for water quality during construction of the site. Construction projects resulting in the disturbance of 1 acre or more of soil are required to obtain a National Pollutant Discharge Elimination System (NPDES) permit issued by the Regional Water Quality Control Board (RWQCB). Prior to beginning construction activities, the construction contractor will be required to prepare a Storm Water Pollution Prevention Plan (SWPPP). The measures in the SWPPP must include storm water best management practices (BMPs) acceptable to the Lahontan Regional Water Quality Control Board, the City of Palmdale and the County of Los Angeles. Adherence during construction to the provisions of the NPDES permit and applicable BMPs contained in the SWPPP will reduce the impacts associated with water quality to a less than significant level.

Additionally, ground water is determined to be over 100 feet below the surface as stated in Section 1A of this report with the exception of those areas impacted by Anaverde Creek and the San Andreas Fault. However, development of the project is not expected to result in any significant alternation of flow or depth of the ground water because the ground water is over 100 feet below the surface at this location.

Based on the type of project, project submittals and exhibits, and/or a site inspection:

- j. Could the project result in a change in the quantity or quality of groundwater, either through direct additions or withdrawals, or through interception of an aquifer by cuts or excavations?

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<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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- k. Could the project result in a substantial reduction in the amount of water otherwise available for public water supplies?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The project is not expected to result in any change in the quantity or quality of groundwater given the depth to groundwater and compliance with the requirements for improvements in the vicinity of the Anaverde Creek. The proposed project will not intercept the aquifer by cuts or excavations. Additionally, the proposed project will not result in direct additions or withdrawals of groundwater or impact the amount of water available for public water supplies. Therefore, no impact associated with these issues will occur.

D. Plant Life:

Based on a site inspection, the biological report, and/or the Native Vegetation Preservation Plan submitted for the project:

1. Is there a significant stand of desert vegetation on the site which will be adversely impacted by the project?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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2. Will the project result in a reduction of the numbers of any unique, rare, or endangered species of plants?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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3. Will the project result in the introduction of invasive, non-native species of plants into an area; or will the project create a barrier to the normal replenishment of existing native plant species?

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Potentially Significant <u>Impact</u>	Potentially Significant Unless Mitigation <u>Incorporated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

4. Will the project result in a significant reduction in acreage of native vegetation?

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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A review of the Biota Report prepared by LSA dated November 2007, for the project area included a review of a 150 foot wide corridor on each side of the existing street. The report indicated that much of the area included previously developed or disturbed land (i.e., roadway, road shoulder, ranch roads and other developed land) with some evidence of dumping, off-highway vehicle use, and target shooting. There were areas of vegetation noted to the east and west of Tierra Subida Avenue on the vacant parcels. Vegetation of the site consisted of Mojave mixed woody scrub, juniper woodland scrub, and ruderal areas. The report identified the presence of Joshua trees on Figure 2B and 2C; therefore, the following mitigation measure has been added to the proposed project.

**BIO - 1** The developer/applicant shall submit for review and approval a Joshua Tree and Native Vegetation Preservation Plan and comply with all provisions of Municipal Code Chapter 14.04, Joshua Tree and Native Vegetation Preservation and the Desert Vegetation Preservation Plan prepared for the project.

A review of the non-listed special interest plant species indicates that the white-bracketed spine flower (*Chorizanthe Xanti* Var. *Leucotheca*) has a moderate probability of occurring within the study area; however, this species was not observed during the biological assessment. A spring survey is recommended if ground-disturbing activities are to occur in the spring; therefore, the following mitigation measure has been added to the project.

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- BIO - 2** Prior to site grading or ground disturbing activities, a presence/absence focused survey for the white-bracketed spineflower (CNPS List 1B) shall be conducted on the project site by a qualified biologist. If a significant population of white-bracketed spineflower (greater than 200 individuals) is observed within the final construction footprint, the applicant is to submit a report to the City of Palmdale and the California Department of Fish and Game (CDFG) for review and comply with any required mitigation measures.

Much of the proposed project site consists of previously developed or disturbed land as stated above; however, there are some areas of vacant land where areas of vegetation exist that may be impacted with the widening of Tierra Subida Avenue; therefore, development of this project with the mitigation measures noted will reduce the environmental impacts to less than significant.

E. Animal Life:

Based on the biology report submitted for the project and/or a site inspection: Will the proposal result in:

1. Will the project result in a significant loss of biological diversity?

☐ ☒ ☐ ☐

2. Will the project result in the reduction of the numbers of any unique, rare, or endangered species of animals?

☐ ☐ ☒ ☐



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3. Is the project located in a Significant Ecological Area where the introduction of animals associated with urbanization could adversely affect native species; or where the project will result in a barrier to the migration or movement of animals?

☐ ☐ ☒ ☐

4. Will the project cause significant deterioration of, or loss of, existing fish or wildlife habitat?

☐ ☒ ☐ ☐

A Biota Report prepared by LSA, dated November 2007, found the site to contain predominately narrow bands of fragmented vegetation along an existing roadway. Two bird species and two small mammal species were observed during the survey of the study area. No special interest animal species were observed within the study area.

Tierra Subida Avenue is a major arterial street that provides a north-south connection to Palmdale Boulevard and Avenue S. The northern portion of the study area is developed. The eastern half of the middle part of the study area is largely developed. In the southern portion of the study area, much of the area to the east and west of Tierra Subida Avenue is disturbed. Therefore, the project will not result in a barrier to the migration or movements of animals.

The desert tortoise (*Gopherus agassizii*) is considered to have a low probability for occurrence within the study area due to the study area's proximity to nearby roads, marginal habitat quality, and the study area being located outside of the known range for this species. No tortoise sign (scat or burrows) was observed during the biological walkover as stated in the Biota Report prepared for the project. The study area is also located in an area designated as a "no survey zone" in the West Mojave Plan.

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The Biota Report stated that the Joshua trees and large Mojave mixed woody scrub could provide habitat for birds during the breeding season (January 1 to July 31). Therefore, the following mitigation measure has been added to the project.

- BIO - 3** A Nesting Bird Survey shall be conducted by a qualified biologist 7 days prior to grading/vegetation removal if grading is to occur during the primary nesting season (January 1 - July 31). The applicant is to submit a report to the City of Palmdale and the California Department of Fish and Game (CDFG) for review and comply with any required mitigation measures.

The Mohave ground squirrel was not observed directly within the study area and has a low likelihood of occurrence on the site because much of the area has been previously developed or disturbed land that includes roadway, road shoulder, ranch roads and other developed land in close the proximity to the road. Therefore, based on the marginal quality of the habitat, the likelihood of occurrence of Mohave ground squirrel on the site is low.

Based on the site constraints development of the site will not have a significant effect on the loss of biological diversity, the reduction of any unique, rare or endangered species of animals, or a significant impact to an ecological area that would adversely effect the natural species or result in a barrier to the migration or movements of animals with the implementation of the above mentioned mitigation measure. Therefore, development of the site will not have an adverse effect on the environment.

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F. Noise:

1. If the project is residential or noise sensitive, will it expose people to severe noise levels because it is located:

a. adjacent to the Freeway?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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b. within 200 feet of the railroad?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
--------------------------	--------------------------	--------------------------	-------------------------------------

c. adjacent to an existing or future arterial street?

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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The proposed project is not residential or considered a noise-sensitive use; therefore, no impact associated with these issues will occur.

2. Is the proposed project within the Plant 42 over-flight area, or the 65 CNEL boundary?

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Portions of the proposed project are located within the 65 CNEL boundary. The Tierra Subida Avenue widening does not include any residential or employment generating uses and would not result in the exposure of people working or residing in the project area to Plant 42 airport-related noise; therefore, impacts associated with development of Tierra Subida Avenue are less than significant.

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3. Will the project generate a noise level exceeding 65 CNEL at the project boundary after construction that could significantly impact an adjoining land use?

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Tierra Subida Avenue is considered a major arterial street and will be developed to an ultimate right-of-way of 114 feet. According to Table N-5 of the Noise Element of the General Plan the existing noise contours at 50 feet from centerline on Tierra Subida Avenue from Palmdale Boulevard to Avenue S are less than 64 CNEL. However, future noise levels along Tierra Subida Avenue were estimated using the FHWA Traffic Noise Prediction Model and are summarized on Table N-6 of the Noise Element and indicate that at City build out, 50 feet from centerline, the noise contour would be from 69.9 to 71.7 CNEL. The estimated noise contours represent unmitigated conditions. Land along Tierra Subida Avenue is zoned for single family residential, commercial and public facility uses. Only residential uses are considered to be noise sensitive.

On roadways were walls, berms, structures, or increased landscaping are designed into the development the noise path is blocked and the stated noise contours have overestimated the noise impacts according to the Noise Element of the General Plan. Any proposed residential development considered as a noise sensitive use along Tierra Subida Avenue is required to be designed with 10 feet of landscaping behind the sidewalk, a 6-foot high perimeter wall and an increased rear yard setback of 30 feet to the primary structure (single-family home). These required measures would further reduce and mitigate impacts from roadway noise. Additionally, any new proposed residential development would be required to submit a Noise Analysis evaluating the design of the subdivision, building setback, construction materials, and distance separation from the roadway and indicate required mitigation measures to meet the required noise levels of 65 dBA CNEL for exterior noise and 45 dBA CNEL for interior noise for a residential use.

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A 6.7 CNEL change in unmitigated noise level at 50 feet from centerline for the ultimate build out of Tierra Subida Avenue is considered to be less than significant. Also, the noise impacts to residential developments would be further reduced with the required landscaping, block walls, required building setback and implementation of possible required mitigation measures. Therefore, implementation of the proposed project would have less than a significant impact on residential land uses with the required development policies.

G. Light or Glare:

Based on the type of project, and/or project submittals and exhibits:

1. Will the project produce significant new sources of light or glare that would disturb neighboring uses or significantly change the light environment visible from other areas of the City?

☐ ☐ ☒ ☐

The proposed project includes the relocation of existing street lighting fixtures and the installation of new lighting fixtures along Tierra Subida Avenue. However, street lighting fixtures are designed with full cut off features that limit the amount of light spread to adjoining properties. Therefore, development of the project will not produce significant new light sources or produce glare that would disturb neighboring uses or significantly change the light environment visible from other areas of the City. Impacts associated with light and glare are less than significant.

H. Land Use:

1. Will the project result in a substantial alteration of the present or planned land use of an area?

☐ ☐ ☒ ☐

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2. Are adjoining or planned land uses greatly different from that of the proposed project so that a potentially substantial interface problem would be created?

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3. If the project is located within the Plant 42 AICUZ zone, does it conflict with the joint land use policies established for those zones?

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The proposed project consists of widening of Tierra Subida Avenue from its existing two lane configuration to six lanes. The construction of additional lanes in each direction will not alter present or planned land uses on properties adjacent to the roadway. Impacts associated with alteration of the present or planned use of an area are considered less than significant.

The proposed project consists of roadway widening and improvement. Existing uses adjacent to the roadway include commercial-retail, residential, a hospital, senior housing and medical office buildings under construction, a public park and vacant land. The proposed street widening will increase movement through the area and improve the LOS at several intersections with the installation of traffic lights. The project is not expected to create any interface problems.

No portions of the widening of Tierra Subida Avenue are located within the Plant 42 AICUZ. Therefore, development of the project will not have an impact or cause a conflict with the joint land use policies.

I. Natural Resources:

1. Will the project result in a significant increase in the rate of use of any natural resources?

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2. Will the project result in the substantial depletion of any non-renewable natural resources?

☐ ☐ ☒ ☐

The proposed project will not result in a significant increase in the rate of use of any natural resources or result in the substantial depletion of any nonrenewable natural resource. The construction of Tierra Subida Avenue will require use of stone, sand, gravel, metals, and combinations of these and similar materials (resources) in their construction. Therefore, this does not constitute the potential for significant impact on the environment.

J. Risk of Upset:

1. Will the project result in a risk of an explosion or the release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation) in the event of an accident or upset condition?

☐ ☐ ☒ ☐

The proposed project to widen and improve Tierra Subida Avenue to accommodate existing and future traffic volumes will not result in a risk of an explosion or the release of hazardous substances. As a major thoroughfare, vehicle transporting hazardous substances are anticipated to utilize this roadway. The proposed project is anticipated to improve the level of service of the roadway to a point that an increased number of such vehicles may utilize this street, marginally increasing the potential risk of an explosion or release of hazardous substances. However, this increase is not anticipated to be significant.

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2. Will the project result in possible interference with any emergency response plan or emergency evacuation plan?

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Exhibit S-1 of the General Plan identifies Tierra Subida Avenue as a major evacuation route. All major arterial streets within the City are identified as an evacuation route in case of a disaster or emergency. The proposed project to widen Tierra Subida Avenue to a six-lane highway will result in improved traffic flow and level of service that would benefit emergency response and evacuation.

However, during construction of the project, full sections of the roadway or partial lane closures may be required. As part of the construction plans prepared for the project, a traffic control plan will be prepared for each phase of the development to ensure that access to and from Tierra Subida Avenue will be accommodated. The roadway will be designed and constructed per applicable City of Palmdale design and development standards. Adherence to applicable standards, regulations, and guidelines of the City and emergency service providers will reduce potential impacts related to this issue to a less than significant level.

3. Is the site included on any known State Hazardous Waste Site list?

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A review of the State of California Hazardous Waste and Substances Sites List dated April 1998 did not identify Tierra Subida Avenue as containing any hazardous waste sites. Although no hazardous waste is known to be present on-site, the possibility of unrecorded, illegal dumping activities cannot be ruled out. The presence of hazardous waste could be a potential health hazard. The following mitigation measures have been added to the project to reduce the potential impacts associated with hazardous waste to a less than significant level.



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- HAZ - 1** Prior to and during construction, test and remove any yellow traffic striping and pavement marking material in accordance with SSP XE 15-300.
  
- HAZ - 2** Prior to construction, test soil beneath utility pole-mounted transformers within the project area for polychlorinated biphenyls (PCBs).
  
- HAZ - 3** Determine if removal of groundwater will be required during construction of the project. Any dewatering will be required in compliance with the Stormwater Permit or an individual permit from the Lahontan Regional Water Quality Control Board (RWQCB), consistent with NPDES requirements. The RWQCB will decide which permit is applicable and whether sampling is required, once it receives and reviews the Notice of Intent (NOI).

With the implementation of the above-mentioned mitigation measures development of the project will have a less than significant impact on the environment.

4. Is the project within or adjacent to a high fire hazard area as shown in the General Plan, identified by the Los Angeles County Fire Department or based on a site inspection?

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According to Exhibit S-16 of the General Plan the proposed project is not located within a Wildfire Hazard Zone. The construction of the roadway does not include construction materials that are considered combustible after construction. Therefore, development of the project is not impacted by any fire hazards or zones.

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K. Population:

Based on the type of project:

1. Will the project significantly alter the location, distribution, density, or growth rate of the human population of an area?

☐ ☐ ☐ ☒

The widening of Tierra Subida Avenue will accommodate existing traffic and future traffic volumes related to future anticipated population growth over the next 12 years. The project does not include any residential or employment generating uses; therefore, development of the project will have no impact on population, distribution, density, or growth rate of human population of the area.

L. Housing:

Based on the type of project?

1. Will the project create a significant demand for additional housing?

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2. Will the project result in displacement of people from existing housing on the site?

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The proposed project will add traffic lanes accommodating existing and future traffic volumes along Tierra Subida Avenue. The project does not include any job generating uses, aside from short-term jobs generated from construction. Also, the project will not result in the displacement of people from existing housing on the site because no residential structures are located within the expected right-of-way. Right-of-way will be required along portions of Tierra Subida Avenue project alignment; however, it is

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not anticipated that the right-of-way acquisition will displace any businesses or residences. Therefore, the widening of Tierra Subida Avenue will not generate a significant demand for additional housing or displace people from existing housing on the site and will have a less than significant impact on the environment.

M. Transportation/Circulation:

Based on review of the type of project, project exhibits, a site inspection, and/or review of the Institute of Transportation Engineers, Trip Generation or the applicant's traffic study:

1. What is the estimated number of average daily vehicle trips, and a.m. and p.m. peak hour trips, generated by the proposed project?

NA ADT: NA a.m. peak, NA p.m. peak

2. Will the traffic generated by this project cause a reduction of Level of Service at an intersection or on a street segment?

☐☐☒☐

The proposed project widening of Tierra Subida Avenue does not include any vehicle trip generating uses or will the development of the project generate any daily vehicle trips. The purpose of the project is to accommodate existing and anticipated future traffic volumes. Therefore, development of the project will have a less than significant impact on trip generation.

A Traffic Study prepared by JE Jacob dated August 28, 2006, analyzed the following intersections using Highway Capacity Software (HCS) to determine the Level of Service (LOS) assuming signalized operations:

Palmdale Boulevard – currently signalized  
Date Palm Drive – currently signalized  
Avenue Q-8  
5<sup>th</sup> Street West

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Rayburn Road  
Avenue S – currently signalized

The analysis evaluated the operational effectiveness of Tierra Subida Avenue for morning and afternoon/evening peak traffic periods (AM and PM peaks) for the year 2020 and determined that all intersections were found to operate at an acceptable LOS (D or better) for the year 2020. In addition, the HCS was used to develop storage length requirement for the left and right-turn pockets at each intersection.

All intersections in the project area are projected to operate at satisfactory levels of service with the implementation of the proposed project; therefore, impacts associated with a reduction of Level of Service at an intersection or on a street segment will have a less than significant impact on the environment.

3. Does circulation within the project prevent the safe and orderly flow of people and vehicles, including emergency vehicles?

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4. Will the project create or experience access problems as designed, or create any obstruction to the safe flow of traffic?

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The purpose of the proposed project is to accommodate traffic volumes associated with the growth in population and development within the project vicinity anticipated to occur over the next 12 years. The project includes circulation improvements that will relieve current and anticipated traffic congestion on Tierra Subida Avenue and associated intersections, and provide safe and orderly flow of vehicles through the area; therefore, development of the project will have a less than significant impact to the environment.

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5. Could the project result in a significant alteration to rail or air traffic?

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The proposed project will not result in a significant alteration to rail or air traffic. The proposed roadway improvements are located approximately 1.6 miles west of the railroad and metrolink lines and located approximately 2 miles west of the Palmdale Airport. Therefore, development of the project will not have an impact or alteration to rail or air traffic.

6. Will the project create a significant shortage of parking?

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Off-street parking is not currently provided on Tierra Subida Avenue and will not be provided within the project limits. The proposed widening will not affect existing commercial, residential, institutional, or the public park properties fronting onto Tierra Subida Avenue. Therefore development of the project will not have an impact or create a shortage of parking.

N. Public Services:

1. Fire Protection

What is the roadway distance and location of the nearest fire station: Los Angeles County Fire Station No. 24 located at 1050 Rancho Vista Boulevard is approximately 1.6 miles from the northern project limits.

a. Will the project result in a need for significant additional fire protection services?

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The proposed project does not include the construction or operation of any structure or facility that will generate a response need from the Los Angeles County Fire Department. The project will result in the widening of Tierra Subida Avenue from two lanes to six lanes; this will improve fire and emergency vehicle access and circulation within the project area. Development of the project will not have an impact for additional fire protection services.

2. Police Protection

Are there any aspects of the project that would create a significant impact to police protection?

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The proposed project does not include the construction or operation of any structure or facility that will generate a response need from the Los Angeles County Sheriff's Department. The project will result in the widening of Tierra Subida Avenue from two lanes to six lanes; this will improve police and emergency vehicle access and circulation within the project area. Development of the project will not create a need for additional police protection services.

3. Schools

- a. In what elementary and high school attendance area is the project? Palmdale School District and Antelope Valley Union High School District
- b. Approximately how many students will the project generate? The project will not generate any students.
- c. Would the students generated by the project significantly contribute to the affected schools exceeding their designed capacity?

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The proposed project is widening of an existing roadway to accommodate existing and future traffic. The project does not include the construction of new homes. Beyond short-term construction, the proposed project does not include any residential or job-generating uses; therefore, development of the project will not increase the population in the area or the associated increase in school-aged children.

4. Parks and Recreation

Will the proposed project result in an impact on the quality or quantity of existing parks or recreational facilities, including trails or bicycle paths?

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Tierra Subida Avenue from Palmdale Boulevard to Avenue S is identified as having a bike lane on Exhibit PRT-2 of the General Plan. The Class II bike lane is to be designed within five feet of pavement adjacent to the curb on both sides of the street. The widening of Tierra Subida Avenue does not include residential component or involve the construction of any job generating uses. Development of Tierra Subida Avenue will extend the bike lane system by providing additional bike lane facilities. Therefore, development of the project will not have an impact on the quality or quantity of existing parks or recreational facilities.

5. Public Facilities

Will the proposed project have a significant impact on maintenance of public facilities, including roads, drainage facilities, slopes, open space and trails?

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Because the proposed project does not result in a population increase, maintenance of public facilities such as parks and libraries in the City would not be significantly altered by the development of the proposed project. However, development of the street will increase the size of the roadway, add drainage facilities and may create landscaped slopes. The City budgets and plans for street maintenance through the Public Works Department with the proposed project requiring an incremental increase in maintenance costs for the proposed improvements. Therefore, development of the project will not have an impact on maintenance of public facilities, including roads, drainage facilities, slopes, open space and/or trails.

6. Library Services

Will the project result in a significant impact to library services due to increased population?

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The proposed project does not include a residential component as stated above. Therefore, the roadway improvement project does not have an impact to library services due to increased population.

7. Other Governmental Services

Will the project have a significant impact on a government service or agency not listed above?

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The proposed project does not include the construction or operation of any structure or facility that will generate an impact on any other governmental service or agency.



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O. Energy:

1. Will the project result in the use of substantial amounts of fuel or energy?

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2. Will the project result in a substantial increase in demands upon existing sources of energy, or require the development of new sources of energy?

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The project will require the use of primarily fossil fuels for construction of the project which will be less than significant due to the small size of the project.

Development of Tierra Subida Avenue will require that high voltage power lines be relocated along the west side of the street inside of the new right-of-way. Southern California Edison will be responsible for relocating the high voltage power lines. There may be a temporary disruption of electrical service to customers; however, this is temporary in nature and will not require the development of new sources of energy.

The proposed project includes installation and/ or relocation of street lighting fixtures, traffic signals, and utility poles. While the proposed project may include the installation of additional energy using devices, the amount of energy used by such devices is small compared to the total energy usage in the City and, therefore, will not result in a substantial increase in demand upon existing sources of energy, or require the development of new sources of energy. Impacts associated with this issue are less than significant.

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	<u>Potentially Significant Impact</u>	<u>Potentially Significant Unless Mitigation Incorporated</u>	<u>Less Than Significant Impact</u>	<u>No Impact</u>
3. Will the proposal result in a need for new systems, or substantial alterations to the following utilities:				
(a) Power or natural gas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Communications systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(c) Water?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Sanitary sewer?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(e) Solid waste disposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

The proposed project does not include the construction or operation of any structure or facility that will increase the demand for new systems. Development of Tierra Subida Avenue will require grade changes with development of the road and existing water and sewer lines will have to be relocated where the depth of street to utility line placement interferes with development of the road. However, relocating the existing power, water and sewer lines will have a less than significant impact to the existing utilities services.

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P. Human Health:

Based on the type of project:

1. Will the project create any health hazard or potential health hazard (excluding mental health)?

☐ ☐ ☒ ☐

2. Will the project result in the exposure of people to potential health hazards?

☐ ☐ ☒ ☐

The possibility of exposure to unknown hazardous wastes exists at the proposed project site; however, the impact of hazardous wastes have previously been discussed and reduced to a level of non-significance by previous mitigation measures. Since potential health hazards associated with unrecorded hazardous waste is less than significant, and no other potential health hazards would occur as a result of the proposed project, impacts associated with potential health hazards at the project site are less than significant.

Q. Aesthetics:

1. Will the proposal result in the obstruction of any scenic vista or view open to the public, or will the proposal result in the creation of an aesthetically offensive site open to public view?

☐ ☐ ☒ ☐

INITIAL STUDY  
Tierra Subida Corridor Project # 482  
Page 46

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Tierra Subida Avenue is identified as a scenic highway in Exhibit ER-1 of the General Plan. Development of the road will require grading of the ridge located at the intersection of Tierra Subida Avenue and West Avenue Q-8. However, the proposed road design provides for public safety, increased flow of traffic and better line of sight for vehicles. Modification of the ridge does not eliminate any scenic vista or open view to the public, or result in the creation of an aesthetically offensive site open to public view. The project does not include the construction of any large structures. Therefore, impacts associated with scenic vistas or views and creation of an aesthetically offensive site are considered less than significant.

R. Cultural Resources:

1. Will the proposal result in the alteration or destruction of a prehistoric or historic archaeological site, or historic structure(s)?

☐ ☐ ☒ ☐

Site inspection performed by: Donna Fairchild, Associate Planner

2. Will the proposal result in potential adverse impacts on paleontological resources?

☐ ☒ ☐ ☐

The widening of Tierra Subida Avenue requires the road to be widened to the ultimate right-of-way of 114 feet. The areas adjacent to the existing roadway include disturbed land, roadway, road shoulder, ranch roads and other developed land. The potential for discovery of paleontological resources within this area is limited. However, excavation within the Anaverde Creek area has the potential to adversely impact paleontological resources; therefore, the following mitigation measure has been added to the project.

INITIAL STUDY  
Tierra Subida Corridor Project # 482  
Page 47

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
--------------------------------------	--	------------------------------------	--------------

**CUL 1-** A trained paleontological monitor will be present during ground-disturbing activities within Anaverde Creek sediments to review and determine if there are any paleontological resources. The monitor will be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources and to evaluate the find and make recommendation as to disposition, mitigation and/or salvage.

Review of the area to be developed for the road widening, the project site does not contain any prehistoric or historic archaeological sites, or historic structures. Therefore, with implementation of the above-mentioned mitigation measure development of the project will have less than significant impact to paleontological resources.

S. Public Controversy:

1. Is the project or action environmentally controversial in nature or can it reasonably be expected to become controversial upon disclosure to the public?

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Implementation of the proposed project will meet the goals and policies as stated in the General Plan Circulation Element, primarily the facilitation of safe and timely vehicular access through the City. To date, public controversy has not been generated regarding the potential environmental impacts from the project, and it is not expected that such controversy will be generated as the project moves forward.

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Tierra Subida Corridor Project # 482  
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Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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**VII. MANDATORY FINDINGS OF SIGNIFICANCE**

- A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?

☐ ☒ ☐ ☐

The project has the potential to impact sensitive biological resources. However, implementation of the required mitigation measures BIO-1 through BIO-3 will reduce the severity of such impacts to a less than significant level. The potential for significant, nonrenewable paleontological resources to be encountered during excavation of the Anaverde Creek is a potentially significant impact; however, implementation of mitigation measure CUL-1 during excavation will reduce impacts associated with this issue to a less than significant level. No other significant cultural or historic resources have been identified within the project limits. Adherence to standard City and State measures related to the discovery, recovery, and/or recordation of cultural resources and/or human remains during construction activities will ensure no significant impact to cultural resources will result from implementation of the proposed project.

- B. Does the project have impacts which are individually limited, but cumulatively considerable? (A project may impact on two or more separate resources where the impact on each resource is relatively small, but where the effect of the total of those impacts on the environment is significant.)

☐ ☐ ☒ ☐

The proposed project will result in the improvement of Tierra Subida Avenue by expanding the existing roadway to its ultimate roadway section

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Potentially Significant <u>Impact</u>	Potentially Significant Unless Mitigation <u>Incorporated</u>	Less Than Significant <u>Impact</u>	No <u>Impact</u>
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to accommodate existing and future projected traffic volumes. There are no individual impacts identified that would result in cumulatively considerable impacts and therefore, no significant cumulative impacts are associated with this project.

- C. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?

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The proposed project will facilitate safe and timely vehicular circulation through the City by increasing the LOS for Tierra Subida Avenue between Palmdale Boulevard and Avenue S. Discovery of undocumented hazardous waste is a potentially significant impact; however, mitigation measures have been identified to reduce these impacts to a less than significant level. With implementation of mitigation measures, no adverse effects on human population will occur.



DEPARTMENT OF FISH AND GAME

<http://www.dfg.ca.gov>

South Coast Region  
4949 Viewridge Avenue  
San Diego, CA 92123  
(858) 467-4201

LSA  
LSA ASSOCIATES INC.

SEP 04 2008

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IRVINE



September 2, 2008

Ms Donna Fairchild  
City of Palmdale Planning Department  
38250 Sierra Highway  
Palmdale, CA 93550

**Subject: Draft Mitigated Negative Declaration for Tierra Subida Corridor Project  
Los Angeles County**

Dear Ms. Fairchild:

The Department of Fish and Game (Department) has reviewed the draft Initial Study (IS) and Draft Mitigated Negative Declaration (DMND) for widening and other improvements to 2.15 miles of Tierra Subida Avenue from Palmdale Boulevard to Avenue S, City of Palmdale. The project site supports fragmented Mojave mixed wood scrub including Joshua trees and California junipers. The project also crosses Anaverde Creek and may require associated disturbances within the creek.

We prepared the following statements and comments pursuant to our authority as Trustee Agency with jurisdiction over natural resources affected by the project under the California Environmental Quality Act (CEQA Section 15386) and Responsible Agency (Section 15381) over those aspects of the proposed project that come under the purview of the California Endangered Species Act (Fish and Game Code Section 2050 et seq) and Fish and Game Code Section 1600 et seq. regarding impacts to streams and lakes.

**Impacts to Sensitive Biological and Botanical Resources**

1. Mohave Ground Squirrel (*Spermophilus mohavensis*) and Desert Tortoise (*Gopherus agassizii*)- The DMND concludes that the project site is predominately developed and fragmented and therefore does not support suitable habitat for the state threatened Mohave ground squirrel or state and federally threatened desert tortoise.
  - a. The Department concurs that the project site does not support suitable habitat for Mohave ground squirrel or desert tortoise.
2. Biological Assessment - In describing biological resources on the project site, impacts to biological resources and recommended mitigation measures, the DMND references a Biota Report by LSA dated November 2007.
  - a. A copy of the Biota Report was not included with the DMND for Department review and so the Department cannot concur with conclusions in the DMND regarding presence of special status species and proposed mitigation measures.
  - b. A project location and vegetation map of the project site should be provided in the DMND showing limits of project impacts to vegetative communities and acres of impact.

*Conserving California's Wildlife Since 1870*



3. Burrowing Owl (*Athene cunicularia*) – The DMND states that the portions of the project site are disturbed land including road shoulders.
  - a. Burrowing owl utilize open disturbed habitat of roadsides in which to reside. Burrowing owl is considered a California Species of Special Concern. Since survey methodologies were not provided or discussed in the DEIR, the Department recommends a focused burrowing owl survey be conducted following the Department's 1995 Staff Report on Burrowing Owl Mitigation and the Burrowing Owl Consortium's 1992 Burrowing Owl Protocol and Mitigation Guidelines including the passive relocation guidelines if one was not currently completed for the project. These guidelines may be provided by the Department upon request. The guidelines specify that if a Phase II survey results in the discovery of burrowing owl, sign, or potential burrow sites for burrowing, a Phase III survey must be performed during the breeding season to determine use of the site by burrowing owl and total number of owls on the site. Spring surveys assist in observing use of the site by burrowing owl and how much area they use during foraging activities to assess the true area of mitigation needed to offset the project loss of habitat. The Phase III breeding season surveys should consist of four equally spaced surveys and should be performed between April 15 and July 15 to maximize detection of burrowing owls. If no burrowing owl are observed during the Phase III survey, a burrowing owl pre-construction survey should be performed no sooner than 30 days prior to ground disturbance activities if project disturbances to burrowing owls habitat take place greater than 30 days following any initial burrowing owl habitat assessment and Phase III survey. Preconstruction surveys should also consist of four separate site visits on different days regardless of the time of year. If burrowing owls are found to be occupying the site the Department recommends avoidance and mitigation measures as recommended in the above referenced guidelines to assist in avoiding take and to mitigate for unavoidable loss of burrowing owl habitat. Additional information regarding the Department's burrowing owl conservation measures may be viewed by entering Burrowing Owl Consortium as a search topic.
4. Native Birds - The project will result in the removal of and/or disturbances to native nesting bird habitat.
  - a. Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) of 1918 (50 C.F.R. Section 10.13). Sections 3503, 3503.5 and 3513 of the California Fish and Game Code prohibit take of all birds and their active nests including raptors and other migratory nongame birds (as listed under the Federal MBTA).
  - b. Proposed project activities (including disturbances to native and non-native vegetation, structures and substrates) should take place outside of the breeding bird season which generally runs from March 1- August 31 (as early as February 1 for raptors) to avoid take (including disturbances which would cause abandonment of active nests containing eggs and/or young). Take means to hunt, pursue, catch, capture, or kill, or attempt to hunt, pursue, catch, capture or kill (Fish and Game Code Section 86).
  - c. If avoidance of the breeding bird season is not feasible, the Department recommends that beginning thirty days prior to the disturbance of suitable

nesting habitat the project proponent should arrange for weekly bird surveys to detect protected native birds occurring in the habitat that is to be removed and any other such habitat within 300 feet of the construction work area (within 500 feet for raptors) as access to adjacent areas allows. The surveys should be conducted by a qualified biologist with experience in conducting breeding bird surveys. The surveys should continue on a weekly basis with the last survey being conducted no more than 3 days prior to the initiation of clearance/construction work. If a protected native bird is found, the project proponent should delay all clearance/construction disturbance activities within 300 feet of suitable nesting habitat (within 500 feet for suitable raptor nesting habitat) until August 31. Alternatively, the qualified biologist could continue the surveys in order to locate any nests. If an active nest is located, clearing and construction within 300 feet of the nest (within 500 feet for raptor nests) or as determined by a qualified biological monitor, must be postponed until the nest is vacated and juveniles have fledged and when there is no evidence of a second attempt at nesting. Limits of construction to avoid a nest should be established in the field with flagging and stakes or construction fencing marking the protected area 300 feet (or 500 feet) from the nest. Construction personnel should be instructed on the sensitivity of the area. The project proponent should record the results of the recommended protective measures described above to document compliance with applicable State and Federal laws pertaining to the protection of native birds.

5. Special Status Plant Species – The DMND states that the project site supports habitat for white-bracted spineflower (*Chorizanthe xanti* var. *leucotheca*) or spineflower, a 1B listed plant species. The DMND recommends spring surveys for spineflower if ground-disturbing activities occur in the spring and further recommends a mitigation plan be submitted to the Department for review if greater than 200 individuals of spineflower are detected during the survey.
  - a. The discovery of one individual of a rare 1B listed plant species should be reported to the Department for further consultation regarding avoidance and/or other mitigation and should not preclude a conclusion of significance under CEQA.
  - b. It is not clear in the DMND when surveys for special status plant species were conducted for spineflower or any other special status plant species, or the methodologies used to detect special status plant species on the project site.
  - c. CEQA provides protection not only for state-listed plants, but for any species which can be shown to meet the criteria for state listing (CEQA Section 15380). The Department recognizes that plants listed as 1A, 1B and 2 by the California Native Plant Society, in a majority of cases, would qualify for listing and require a mandatory finding of significance by the Lead Agency.
  - d. Before the Department can concur with conclusions in the DMND regarding presence or absence of special status plant species, focused surveys are warranted on the project site. Every special status focal species to be considered for the project site and their habitat requirements should to be addressed. Predictive floristic surveys which predict the occurrence of a special status plant species based on the occurrence of habitat or other physical features rather than actual field inspections should not be relied upon for the purposes of impact assessment. The Department does not consider biological assessments

over one year old and botanical assessment over two years old as valid for the purposes of impact analysis and for the development of avoidance and mitigation measures under CEQA.

The biologist should plan focused surveys at a time of year to maximize detection for each focal species. If focused surveys are conducted in a drought year, surveys should be postponed until a year of normal rainfall, otherwise the presence of special status species should be presumed within suitable habitat for mitigation purposes under CEQA. For example, surveys for flowering plants should be conducted in accordance with the appropriate flowering windows for each plant species. Visits to a known reference population are recommended as species flowering times vary within the known window. For botanical surveys, the entire site should be walked, and every species noted, as many sensitive species are very small and may be missed. When assessing the project site for botanical resources please also ensure all biological consultants follow Department protocol (Attachment 1). Survey results not based upon Department protocol should be qualified by a justification statement.

6. Joshua Tree Woodland/Native Desert Vegetation: The DMND states that a Joshua Tree and Native Vegetation Preservation Plan that complies with City code shall be submitted to the City for approval.
  - a. The DMND implies that Joshua trees will be impacted by the project but does not quantify the extent of the impacts or references anything in the Biological Report that describes how the City's Native Vegetation Ordinance will in any meaningful way facilitate persistence of Joshua tree woodland in the City.
  - b. The Department considers Joshua tree woodlands as a threatened vegetative community and therefore recommends avoidance of all Joshua Trees on the site. The continual loss of Joshua tree woodland within the City of Palmdale is a concern to the Department as these communities support a high biological diversity. The loss of Joshua tree woodlands as the result of the proposed project should be recognized by the lead agency as a direct and cumulative significant impact under CEQA unless mitigated below a significant level. The Department questions if Native Desert Vegetation Preservation Plans as proposed by the City adequately avoid and/or mitigate below a significant level under CEQA for the direct and continual cumulative loss of functional Joshua tree woodland.
  - c. Any Joshua tree preservation plan should provide more detail to assure that the mitigation results in functional Joshua tree woodland, not just survival of individual trees in a fragmented urban environment lacking the other existing biotic components associated with the existing site which will be impacted by the project. The DMND should clarify how salvaging Joshua trees from a native site and transplanting to an undisclosed site effectively mitigates for this loss of resource under CEQA. Any Native Desert Vegetation Plans proposed to mitigate below a significant level under CEQA for the loss of Joshua trees, Joshua tree woodland and/or any other native desert vegetative community should be included with the CEQA document so that the Department and reviewing public may review and comment on the adequacy of such plans.

The Department recommends that Joshua tree woodland be avoided and preserved. If avoidance is not feasible efforts should be made to acquire and protect specifically identified habitat of equal or superior value and/or acquire and

protect areas to be restored which will result in fully functional Joshua tree woodland habitat. Mitigation lands should be located within designated large habitat blocks of Joshua tree woodland, to maintain the biological integrity of these areas. Fees assessed by the City on development projects which will remove Joshua tree woodland and other desert vegetative communities could be used to acquire preservation lands to assure that impacts to threatened native desert vegetative communities are reduced below significant levels under CEQA. All mitigation for loss of native desert vegetative communities should include a mitigation monitoring and reporting plan to assure that the mitigation is successfully carried out, and is preserved in perpetuity.

7. Impacts to Riparian Resources - The DMND states that the road widening project may necessitate dirt fill and installation of boxed culverts at the Anaverde Creek crossing and that the Department shall be consulted to determine extent of Department jurisdiction and to determine any permit requirements.
  - a. The Department requires a Streambed Alteration Agreement (SAA), pursuant to Section 1600 et seq. of the Fish and Game Code, with the applicant prior to any direct or indirect impact to a lake or stream bed, bank or channel or associated riparian resources. The Department's issuance of a SAA may be a project that is subject to CEQA. To facilitate our issuance of the Agreement when CEQA applies, the Department as a responsible agency under CEQA may consider the local jurisdiction's (Lead Agency) document for the project. To minimize additional requirements by the Department under CEQA the document should fully identify the potential impacts to the lake, stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the Agreement. Early consultation is recommended, since modification of the proposed project may be required to avoid or reduce impacts to fish and wildlife resources.

The Department recommends that the CEQA document address the Department's concerns in order to justify a Mitigated Negative Declaration. Thank you for this opportunity to provide comment. Please contact Mr. Scott Harris, Environmental Scientist, at (626) 797-3170 if you should have any questions and for further coordination on the proposed project.

Sincerely,



Edmund J. Pert  
Regional Manager  
South Coast Region

Attachment

cc: Ms. Helen Birss, Los Alamitos  
Ms. Terri Dickerson, Laguna Niguel  
Ms. Kelly Schmoker, Glendora  
Ms. Jamie Jackson, Altadena  
Mr. Scott Harris, Pasadena  
HabCon-Chron, Department of Fish and Game  
State Clearinghouse, Sacramento

# Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities

State of California  
THE RESOURCES AGENCY  
Department of Fish and Game  
December 9, 1983  
Revised May 8, 2000

The following recommendations are intended to help those who prepare and review environmental documents determine **when** a botanical survey is needed, **who** should be considered qualified to conduct such surveys, **how** field surveys should be conducted, and **what** information should be contained in the survey report. The Department may recommend that lead agencies not accept the results of surveys that are not conducted according to these guidelines.

1. Botanical surveys are conducted in order to determine the environmental effects of proposed projects on all rare, threatened, and endangered plants and plant communities. Rare, threatened, and endangered plants are not necessarily limited to those species which have been "listed" by state and federal agencies but should include any species that, based on all available data, can be shown to be rare, threatened, and/or endangered under the following definitions:

A species, subspecies, or variety of plant is "endangered" when the prospects of its survival and reproduction are in immediate jeopardy from one or more causes, including loss of habitat, change in habitat, over-exploitation, predation, competition, or disease. A plant is "threatened" when it is likely to become endangered in the foreseeable future in the absence of protection measures. A plant is "rare" when, although not presently threatened with extinction, the species, subspecies, or variety is found in such small numbers throughout its range that it may be endangered if its environment worsens.

Rare natural communities are those communities that are of highly limited distribution. These communities may or may not contain rare, threatened, or endangered species. The most current version of the California Natural Diversity Database's List of California Terrestrial Natural Communities may be used as a guide to the names and status of communities.

2. It is appropriate to conduct a botanical field survey to determine if, or to the extent that, rare, threatened, or endangered plants will be affected by a proposed project when:

- a. Natural vegetation occurs on the site, it is unknown if rare, threatened, or endangered plants or habitats occur on the site, and the project has the potential for direct or indirect effects on vegetation; or
- b. Rare plants have historically been identified on the project site, but adequate information for impact assessment is lacking.

3. Botanical consultants should possess the following qualifications:

- a. Experience conducting floristic field surveys;
- b. Knowledge of plant taxonomy and plant community ecology;
- c. Familiarity with the plants of the area, including rare, threatened, and endangered species;
- d. Familiarity with the appropriate state and federal statutes related to plants and plant collecting; and,
- e. Experience with analyzing impacts of development on native plant species and communities.

4. Field surveys should be conducted in a manner that will locate any rare, threatened, or endangered species that may be present. Specifically, rare, threatened, or endangered plant surveys should be:

- a. Conducted in the field at the proper time of year when rare, threatened, or endangered species are both evident and identifiable. Usually, this is when the plants are flowering.

When rare, threatened, or endangered plants are known to occur in the type(s) of habitat present in the project

area, nearby accessible occurrences of the plants (reference sites) should be observed to determine that the species are identifiable at the time of the survey.

b. Floristic in nature. A floristic survey requires that every plant observed be identified to the extent necessary to determine its rarity and listing status. In addition, a sufficient number of visits spaced throughout the growing season are necessary to accurately determine what plants exist on the site. In order to properly characterize the site and document the completeness of the survey, a complete list of plants observed on the site should be included in every botanical survey report.

c. Conducted in a manner that is consistent with conservation ethics. Collections (voucher specimens) of rare, threatened, or endangered species, or suspected rare, threatened, or endangered species should be made only when such actions would not jeopardize the continued existence of the population and in accordance with applicable state and federal permit requirements. A collecting permit from the Habitat Conservation Planning Branch of DFG is required for collection of state-listed plant species. Voucher specimens should be deposited at recognized public herbaria for future reference. Photography should be used to document plant identification and habitat whenever possible, but especially when the population cannot withstand collection of voucher specimens.

d. Conducted using systematic field techniques in all habitats of the site to ensure a thorough coverage of potential impact areas.

e. Well documented. When a rare, threatened, or endangered plant (or rare plant community) is located, a California Native Species (or Community) Field Survey Form or equivalent written form, accompanied by a copy of the appropriate portion of a 7.5 minute topographic map with the occurrence mapped, should be completed and submitted to the Natural Diversity Database. Locations may be best documented using global positioning systems (GPS) and presented in map and digital forms as these tools become more accessible.

5. Reports of botanical field surveys should be included in or with environmental assessments, negative declarations and mitigated negative declarations, Timber Harvesting Plans (THPs), EIR's, and EIS's, and should contain the following information:

- a. Project description, including a detailed map of the project location and study area.
- b. A written description of biological setting referencing the community nomenclature used and a vegetation map.
- c. Detailed description of survey methodology.
- d. Dates of field surveys and total person-hours spent on field surveys.
- e. Results of field survey including detailed maps and specific location data for each plant population found. Investigators are encouraged to provide GPS data and maps documenting population boundaries.
- f. An assessment of potential impacts. This should include a map showing the distribution of plants in relation to proposed activities.
- g. Discussion of the significance of rare, threatened, or endangered plant populations in the project area considering nearby populations and total species distribution.
- h. Recommended measures to avoid impacts.
- i. A list of all plants observed on the project area. Plants should be identified to the taxonomic level necessary to determine whether or not they are rare, threatened or endangered.
- j. Description of reference site(s) visited and phenological development of rare, threatened, or endangered plant(s).
- k. Copies of all California Native Species Field Survey Forms or Natural Community Field Survey Forms.
- l. Name of field investigator(s).
- m. References cited, persons contacted, herbaria visited, and the location of voucher specimens.

## MITIGATION MONITORING PROGRAM AND COMPLIANCE RECORD

CASE NO.: Tierra Subida Corridor Project # 482      INITIAL STUDY PREPARED BY: Donna Fairchild, Associate Planner

DATE: August 14, 2008      APPLICANT: City of Palmdale Department of Public Works

MITIGATION MEASURE	DEPARTMENT	ACTION(S) REQUIRED	REQUIRE TIME OF COMPLIANCE	ACTION TAKEN	VERIFIED BY/DEPT.	DATE	FURTHER ACTION NEEDED
AIR - 1	Planning	The construction contractor shall select the construction equipment used on-site based on low emission factors and high-energy efficiency. The construction contractor shall ensure that construction grading plans include a statement that all construction equipment will be tuned and maintained in accordance with the manufacturer's specifications.	Grading activities				
AIR - 2	Planning	The construction contractor shall utilize electric or diesel powered equipment in lieu of gasoline-powered engines where feasible.	Grading activities				
AIR - 3	Planning	The construction contractor shall ensure that construction grading plans include a statement that work crews will shut off equipment when not in use. During smog season (May through October), construction activities shall be suspended during second stage smog alerts.	Grading activities				

Mitigation Monitoring Program and Compliance Record  
 Tierra Subida Corridor Project #482  
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MITIGATION MEASURE	DEPARTMENT	ACTION(S) REQUIRED	REQUIRE TIME OF COMPLIANCE	ACTION TAKEN	VERIFIED BY/DEPT.	DATE	FURTHER ACTION NEEDED
AIR - 4	Planning	The construction contractor shall time the construction activities so as to not interfere with peak hour traffic and minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flagperson shall be retained to maintain safety adjacent to existing roadways.	Grading activities				
AIR - 5	Planning	The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.	Grading activities				
AIR-6	Planning	Dust generated by the development activities shall be retained on-site and kept to a minimum by the dust-control measures listed below.  a. During clearing, grading, earthmoving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems shall be used to prevent dust from leaving the site and to create a crust after each day's activities cease.	Grading activities				



Mitigation Monitoring Program and Compliance Record  
 Tierra Subida Corridor Project #482  
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MITIGATION MEASURE	DEPARTMENT	ACTION(S) REQUIRED	REQUIRE TIME OF COMPLIANCE	ACTION TAKEN	VERIFIED BY/DEPT.	DATE	FURTHER ACTION NEEDED
		<p>b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning, after work is completed for the day, and whenever wind exceeds 15 miles per hour.</p> <p>c. After clearing, grading, earthmoving, or excavation is completed, the entire area of disturbed soil shall be treated immediately until the area is paved or otherwise developed so that dust generation will not occur.</p> <p>d. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.</p> <p>e. Trucks transporting soil, sand, cut or fill materials, and/or construction debris to or from the site shall be tarped from the point of origin.</p>					

Mitigation Monitoring Program and Compliance Record  
Tierra Subida Corridor Project #482  
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MITIGATION MEASURE	DEPARTMENT	ACTION(S) REQUIRED	REQUIRE TIME OF COMPLIANCE	ACTION TAKEN	VERIFIED BY/DEPT.	DATE	FURTHER ACTION NEEDED
WAT - 1	Planning	Coordinate with the Regional Water Quality Control Board (RWQCB), and California Department of Fish and Game (CDFG) to obtain concurrence on the delineation and to determine permitting requirements for development within the area of Anaverde Creek.	Grading activities during Phase 3 of the improvements				
BIO - 1	Planning	The developer/applicant shall submit for review and approval a Joshua Tree Native Vegetation Preservation Plan and comply with all provisions of Municipal Code Chapter 14.04, Joshua Tree and Native Vegetation Preservation and the Desert Vegetation Preservation Plan prepared for the project.	Grading activities				
BIO - 2	Planning	Prior to site grading, a presence/absence focused survey for the white-bracketed spineflower (CNPS List 1B) shall be conducted on the project site by a qualified biologist. If a significant population of white-bracketed spineflower (greater than 200 individuals) is observed within the final construction footprint. The applicant is to submit a report to the City of Palmdale and the California Department of Fish and Game (CDFG) for review and comply with any required mitigation measures.	Grading activities				

Mitigation Monitoring Program and Compliance Record  
 Tierra Subida Corridor Project #482  
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MITIGATION MEASURE	DEPARTMENT	ACTION(S) REQUIRED	REQUIRE TIME OF COMPLIANCE	ACTION TAKEN	VERIFIED BY/DEPT.	DATE	FURTHER ACTION NEEDED
BIO – 3	Planning	A Nesting Bird Survey shall be conducted by a qualified biologist 7 days prior to grading/vegetation removal if grading is to occur during the primary nesting season (January 1 – July 31). The applicant is to submit a report to the City of Palmdale and the California Department of Fish and Game (CDFG) for review and comply with any required mitigation measures.	Grading activities				
HAZ – 1	Planning	Prior to and during construction, test and remove any yellow traffic striping and pavement marking material in accordance with SSP XE 15-300.	During construction				
HAZ – 2	Planning	Prior to construction, test soil beneath utility pole-mounted transformers within the project area for polychlorinated biphenyls (PCBs).	Prior to grading activities				

Mitigation Monitoring Program and Compliance Record  
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MITIGATION MEASURE	DEPARTMENT	ACTION(S) REQUIRED	REQUIRE TIME OF COMPLIANCE	ACTION TAKEN	VERIFIED BY/DEPT.	DATE	FURTHER ACTION NEEDED
HAZ – 3	Planning	Determine if removal of groundwater will be required during construction of the project. Any dewatering will be required in compliance with the Stormwater Permit or an individual permit from the Lahontan Regional Water Quality Control Board (RWQCB), consistent with NPDES requirements. The RWQCB will decide which permit is applicable and whether sampling is required, once it receives and reviews the Notice of Intent (NOI).	During grading activities				
CUL – 1	Planning	A trained paleontological monitor will be present during ground-disturbing activities within Anaverde Creek sediments to review and determine if there are any paleontological resources. The monitor will be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources and to evaluate the find and make recommendation as to disposition, mitigation, and/or salvage.	During grading activities within the Anaverde Creek area				

## NOTICE OF DETERMINATION

TO: Los Angeles County Clerk  
Environmental Filings  
12400 Imperial Hwy., Rm. 2001  
Norwalk, CA 90650

FROM: City of Palmdale  
Planning Department  
38250 Sierra Highway  
Palmdale, CA 93550

Case Planner: Donna Fairchild, Associate Planner

Applicant: City of Palmdale  
38250 Sierra Highway  
Palmdale, CA 93550

Case: Tierra Subida Avenue Widening

### Description of Project:

Tierra Subida Avenue is designated as a major arterial street, designed with a 114-foot street width that includes a six-lane roadway, a 14-inch median and two five-foot wide Class 2 bike lanes within the paved roadway area on each side of the street. The ultimate roadway section includes curb, gutters, 8-foot wide sidewalks, streetlights, street trees, retaining walls (where needed) and drainage facilities. Tierra Subida Avenue is to be widened to the ultimate right-of-way from Palmdale Boulevard to Avenue S, approximately 2.15 miles.

Tierra Subida Avenue provides a north/south connection from Palmdale Boulevard (regional arterial) to the north and Avenue S to the south (major arterial), both major east/west transportation corridors. Presently, Tierra Subida Avenue alternates between a two lane country-style roadway without curbs, gutters or sidewalks to a more-or-less fully improved roadway cross section on one side, or both sides. Southern California Edison high voltage power lines are located on the west side to Tierra Subida Avenue within the existing right-of-way. The Anaverde Creek drainage course transects Tierra Subida Avenue from west to east, just south of Rayburn Road through an existing double 72 inch CMP culvert. The San Andres Fault and Little Rock Fault, a subsidiary fault of the San Andreas Fault crosses Tierra Subida Avenue in the project area.

The traffic analysis prepared by JE Jacobs dated August 28, 2006, states that for Tierra Subida Avenue to operate at an acceptable LOS (D or better) based on a 4% annual growth, the project would be required to be developed to a six lane facility with signalized intersections at: Palmdale Boulevard, Date Palm Drive, East Avenue Q-8, 5<sup>th</sup> Street West, and Rayburn Road.

**ORIGINAL FILED**

**OCT 24 2008**

**LOS ANGELES, COUNTY CLERK**

Mitigated Negative Declaration  
Tierra Subida Avenue Widening Project  
October 20, 2008  
Page 2

Development of Tierra Subida is organized into three project phases, 2, 3 and 4. Phase 1 has been completed with development of the Palmdale Medical Center. Acquisition of additional right-of-way will be needed for roadway widening, additional lanes for right turn pockets and double left turn pockets.

Location: Tierra Subida Avenue between Palmdale Boulevard and Avenue S

The Tierra Subida Avenue Widening was approved by the City Council of the City of Palmdale on October 1, 2008. It has been determined that the project will not have a significant effect on the environment after the implementation of mitigation measures applied to the project and the City Council approved a Mitigated Negative Declaration for the project in compliance with the provisions of the California Environmental Quality Act, as amended.

The following mitigation measures which have been applied to the project are:

- AIR - 1** The construction contractor shall select the construction equipment used on-site based on low emission factors and high-energy efficiency. The construction contractor shall ensure that construction grading plans include a statement that all construction equipment shall be tuned and maintained in accordance with the manufacturer's specifications.
- AIR - 2** The construction contractor shall utilize electric or diesel powered equipment in lieu of gasoline-powered engines where feasible.
- AIR - 3** The construction contractor shall ensure that construction grading plans include a statement that work crews will shut off equipment when not in use. During smog season (May through October), construction activities shall be suspended during second stage smog alerts.
- AIR - 4** The construction contractor shall time the construction activities so as to not interfere with peak hour traffic and minimize obstruction of through traffic lanes adjacent to the site; if necessary, a flagperson shall be retained to maintain safety adjacent to existing roadways.
- AIR - 5** The construction contractor shall support and encourage ridesharing and transit incentives for the construction crew.

- AIR - 6** Dust generated by the development activities shall be retained on-site and kept to a minimum by the dust-control measures listed below.
- a. During clearing, grading, earthmoving, excavation, or transportation of cut or fill materials, water trucks or sprinkler systems shall be used to prevent dust from leaving the site and to create a crust after each day's activities cease.
  - b. During construction, water trucks or sprinkler systems shall be used to keep all areas of vehicle movement damp enough to prevent dust from leaving the site. At a minimum, this would include wetting down such areas in the later morning, after work is completed for the day, and whenever wind exceeds 15 miles per hour.
  - c. After clearing, grading, earthmoving, or excavation is completed, the entire area of disturbed soil shall be treated immediately until the area is paved or otherwise developed so that dust generation will not occur.
  - d. Soil stockpiled for more than two days shall be covered, kept moist, or treated with soil binders to prevent dust generation.
  - e. Trucks transporting soil, sand, cut or fill materials, and/or construction debris to or from the site shall be tarped from the point of origin.
- WAT - 1** Coordinate with the Regional Water Quality Control Board (RWQCB), and California Department of Fish and Game (CDFG) to obtain concurrence on the delineation and to determine permitting requirements for development within the area of Anaverde Creek.
- BIO - 1** The developer/applicant shall submit for review and approval a Joshua Tree Native Vegetation Preservation Plan and comply with all provisions of Municipal Code Chapter 14.04, Joshua Tree and Native Vegetation Preservation and the Desert Vegetation Preservation Plan prepared for the project.
- BIO - 2** Prior to site grading, a presence/absence focused survey for the white-bracketed spineflower (CNPS List 1B) shall be conducted

on the project site by a qualified biologist. If a significant population of white-bracketed spineflower (greater than 200 individuals) is observed within the final construction footprint. The applicant is to submit a report to the City of Palmdale and the California Department of Fish and Game (CDFG) for review and comply with any required mitigation measures.

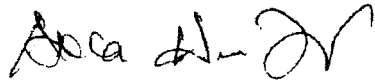
- BIO - 3** A Nesting Bird Survey shall be conducted by a qualified biologist 7 days prior to grading/vegetation removal if grading is to occur during the primary nesting season (January 1 - July 31). The applicant is to submit a report to the City of Palmdale and the California Department of Fish and Game (CDFG) for review and comply with any required mitigation measures.
- HAZ - 1** Prior to and during construction, test and remove any yellow traffic striping and pavement marking material in accordance with SSP XE 15-300.
- HAZ - 2** Prior to grading activities within 20 feet of utility poles, test soil beneath utility pole-mounted transformers within the project area for polychlorinated biphenyls (PCBs).
- HAZ - 3** Determine if removal of groundwater shall be required during construction of the project. Any dewatering shall be required in compliance with the Stormwater Permit or an individual permit from the Lahontan Regional Water Quality Control Board (RWQCB), consistent with NPDES requirements. The RWQCB will decide which permit is applicable and whether sampling is required, once it receives and reviews the Notice of Intent (NOI).
- HAZ - 4** Prior to construction, test roadside shoulders for aerially deposited lead (ADL) and develop remediation plan if ADL is present.
- CUL-1** A trained paleontological monitor shall be present during ground-disturbing activities within Anaverde Creek sediments to review and determine if there are any paleontological resources. The monitor shall be empowered to temporarily halt or redirect construction activities to ensure avoidance of adverse impacts to paleontological resources and to evaluate the find and make recommendation as to disposition, mitigation and/or salvage.



Mitigated Negative Declaration  
Tierra Subida Avenue Widening Project  
October 20, 2008  
Page 5

The document is on file and available for review at the City of Palmdale, Planning Department, 38250 Sierra Highway, Palmdale, California 93550.

Dated: 10-20-08

A handwritten signature in black ink, appearing to read "Asoka Herath".

---

Asoka Herath, Director of Planning  
City of Palmdale



STATE OF CALIFORNIA - THE RESOURCES AGENCY  
DEPARTMENT OF FISH AND GAME  
ENVIRONMENTAL FILING FEE CASH RECEIPT

326913

Lead Agency: City of Palmdale Date: 10-24-08  
County/State Agency of Filing: CACC Document No.: \_\_\_\_\_  
Project Title: Tierra Subida Ave Widening  
Project Applicant Name: ASOKA Herath  
Project Applicant Address: 38250 Sierra Hwy  
City: Palmdale State: CA Zip Code: 93550 Phone Number: 818-267-5440

Project Applicant (check appropriate box):

☒ Local Public Agency ☐ School District ☐ Other Special District ☐ State Agency ☐ Private Entity

Check Applicable Fees:

<input type="checkbox"/> Environmental Impact Report	\$2500.00	\$	_____
<input checked="" type="checkbox"/> Negative Declaration	\$4800.00	\$	<u>1826.75</u>
<input type="checkbox"/> Application Fee Water Diversion (State Water Resources Control Board Only)	\$850.00	\$	_____
<input type="checkbox"/> Projects Subject to Certified Regulatory Programs	\$850.00	\$	_____
<input checked="" type="checkbox"/> County Administrative Fee	\$50.00	\$	<u>50</u>
<input type="checkbox"/> Project that is exempt from fees			
<input type="checkbox"/> Notice of Exemption			
<input type="checkbox"/> DFG No Effect Determination (Form Attached)			

TOTAL RECEIVED \$ 1926.75

Signature and title of person receiving payment: [Signature]

WHITE-PROJECT APPLICANT

YELLOW-DFG/ASB

PINK-LEAD AGENCY

GOLDENROD-COUNTY CLERK

DFG 753.5a (Rev. 1/07)

L.A. COUNTY RECORDER  
/COUNTY CLERK  
BUSINESS FILING & REG

10/24/08 8:54AM  
000004#0008 #27  
LATASHA

#326913  
COUNTY FEE \$50.00  
NEG DEC \$1876.75  
REVENUE REFUND \$49.50

CHECK  
\$1976.25

# BIOTA REPORT

TIERRA SUBIDA AVENUE WIDENING  
CITY OF PALMDALE, LOS ANGELES COUNTY, CALIFORNIA

Submitted to:

City of Palmdale, Public Works  
38300 Sierra Highway  
Palmdale, California 93550  
(661) 267-5100

Prepared by:

LSA Associates, Inc.  
20 Executive Park, Suite 200  
Irvine, California 92614-4731  
(949) 553-0666

LSA Project No. PCO0701

# LSA

November 2007

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- A: SPECIAL INTEREST SPECIES TABLE
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## TIERRA SUBIDA AVENUE WIDENING BIOTA REPORT

### INTRODUCTION

LSA Associates, Inc. (LSA) is pleased to present this biota report (report) discussing the biological resources present adjacent to Tierra Subida Avenue from Avenue S to Palmdale Boulevard (approximately 2.2 miles [mi]) in the City of Palmdale, Los Angeles County, California. The site is located within the United States Geological Survey (USGS) *Ritter Ridge, California* 7.5-minute quadrangle. The study area (Figure 1) consists of an envelope around the area of proposed improvements to Tierra Subida Avenue from Avenue S to Palmdale Boulevard. This analysis is intended to be a technical study for the California Environmental Quality Act (CEQA) document being prepared by others, and its scope is limited to biological issues.

LSA biologist Liz Delk surveyed an area of approximately 150 feet (ft) extending from either side of the centerline of Tierra Subida Avenue from Avenue S to Palmdale Boulevard on May 7, 2007. The 300 ft wide corridor surveyed will likely exceed the final project footprint (Figures 2A–2C). Plant and animal species observed during the survey were recorded, the vegetation communities were mapped on an aerial photograph (1 inch = 75 ft), and the locations of Joshua trees (*Yucca brevifolia*) and California junipers (*Juniperus californica*) were recorded. The product of the field mapping was then digitized and analyzed using a Geographic Information System (GIS) program. Once the exact project footprint is finalized, the acreage of each habitat type will be calculated. Due to the low amount of rainfall recorded during the winter prior to the survey of the site, not all plant species observed were definitively identifiable beyond the genus level, nor were all species present that might otherwise be present during an average rainfall year. Supplemental surveys are recommended once the final footprint has been determined.

### METHODS

In the preparation of this report, a literature review and a records search were conducted to identify the existence or potential occurrence of special interest biological resources (e.g., plant and animal species) in the vicinity of or within the study area. Computerized searches of special interest species databases (California Native Plant Society [CNPS] Inventory of Rare and Endangered Plants of California and the California Department of Fish and Game [CDFG] Natural Diversity Database) were undertaken. In addition, *Preliminary Descriptions of the Terrestrial Natural Communities of California* (Holland 1986), and *The Jepson Manual—Higher Plants of California* (Hickman 1993) were utilized.

Federal and State lists of special interest species were examined. Current electronic database records reviewed by LSA included the following:

- California Natural Diversity Database (CNDDDB) information (i.e., RareFind 3), which is administered by the CDFG. This database covers special interest animal and plant species as well as sensitive natural communities that occur within California.

- CNPS Electronic Inventory of Rare and Endangered Vascular Plants of California (CNPS 2007), which identifies four specific designations or “Lists” of special interest plant species and summarizes regulations that provide for the conservation of special interest plants. The following quote is excerpted from the CNPS Inventory section that deals with the CEQA and special interest plant conservation.

“The CDFG recognizes that Lists 1A, 1B, and 2 of the CNPS Inventory consist of plants that, in a majority of cases, would qualify for listing [pursuant to CEQA Guidelines Section 15380], and the Department recommends they be addressed in Environmental Impact Reports (EIRs).”

## REGULATORY SETTING

### United States Army Corps of Engineers

Pursuant to Section 404 of the federal Clean Water Act, the United States Army Corps of Engineers (Corps) regulates discharges of dredged or fill material into waters of the United States. These waters include wetlands and nonwetland bodies of water that meet specific criteria as outlined in the guidelines provided in the Corps 1987 Manual and founded on a connection, or nexus, between the water body in question and interstate commerce. The following definition of waters of the United States is taken from the discussion provided at 33 CFR 328.3:

“The term waters of the United States means:

- (1) All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce . . . ;
- (2) All interstate waters including interstate wetlands;
- (3) All other waters such as intrastate lakes, rivers, streams (including intermittent streams) . . . the use, degradation or destruction of which could affect interstate or foreign commerce . . . ;
- (4) All impoundments of waters otherwise defined as waters of the United States under the definition; and
- (5) Tributaries of waters defined in paragraphs (a) (1)–(4) of this section.”

In 2006, the United States Supreme Court further considered the Corps jurisdiction of “waters of the United States” in the consolidated cases *Rapanos v. United States* and *Carabell v. United States* (126 S. Ct. 2208), collectively referred to as *Rapanos*. The Supreme Court concluded that wetlands are “waters of the United States” if they significantly affect the chemical, physical, and biological integrity of other covered waters more readily understood as navigable. On June 5, 2007, the Corps issued guidance regarding the *Rapanos* decision. This guidance states that the Corps will continue to assert jurisdiction over traditional navigable waters, wetlands adjacent to traditional navigable waters, relatively permanent nonnavigable tributaries that have a continuous flow at least seasonally (typically three months), and wetlands that directly abut relatively permanent tributaries. The Corps

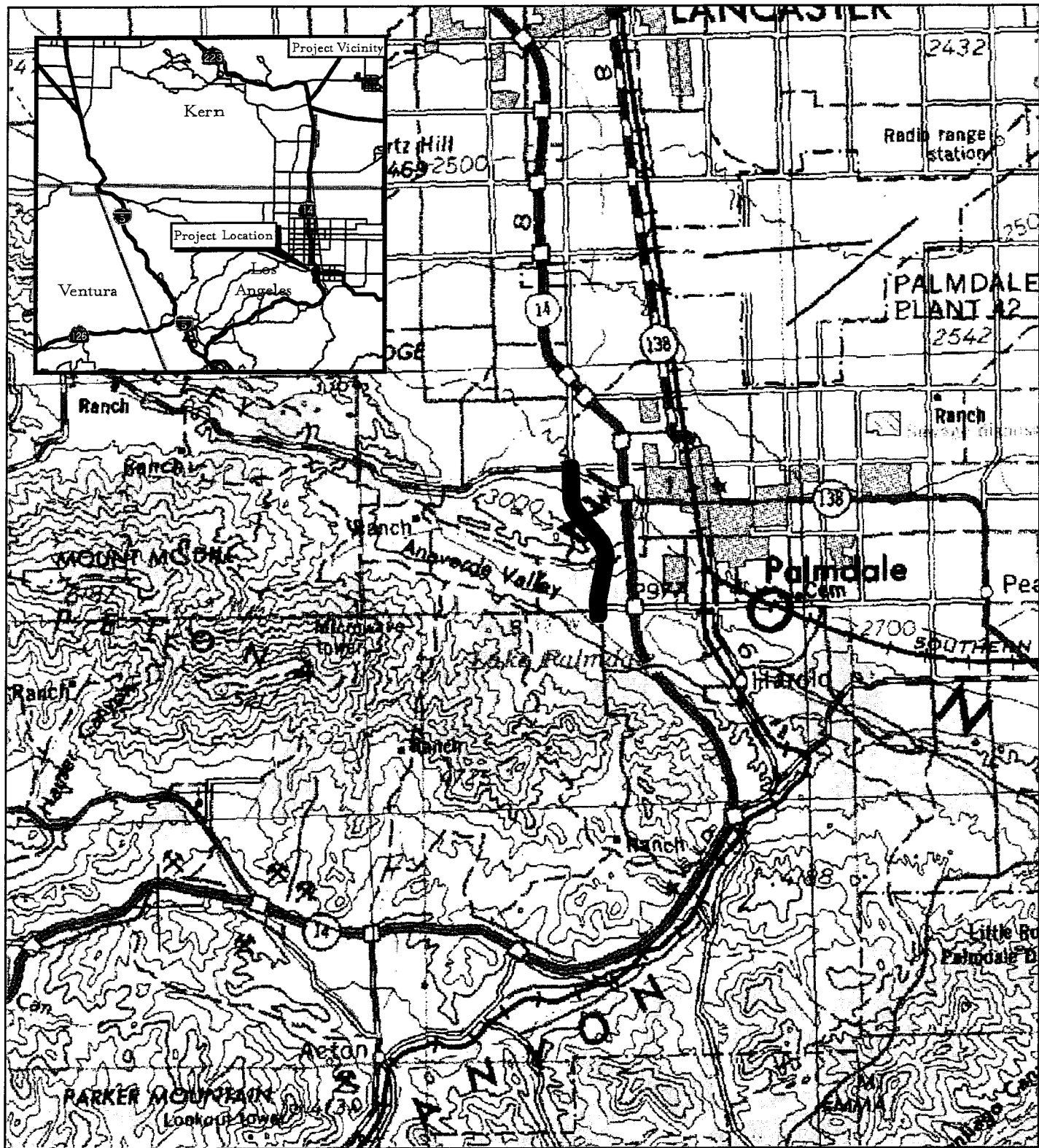
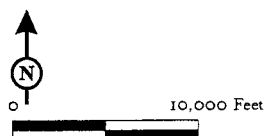


FIGURE 1

LSA



Study Limits

Tierra Subida Biota Study

SOURCE: USGS 250K QUAD - BAKERSFIELD (74), LOS ANGELES (79), TRONA (73), CALIF.

I:\PCO0601\GIS\Habitat Types maps\Fig1.mxd (11/6/07)

Project Location Map



LSA



- Study Limits
- Joshua Tree
- Juniper Tree
- Potential Jurisdictional Areas

- Habitat Types
- Developed
- Disturbed

- Mojave Mixed Woody Scrub
- Mojave Mixed Woody Scrub/  
Mojavean Juniper Woodland Scrub
- Ruderal

FIGURE 2A

SOURCE: AirPhotoUSA (2/06), JE Jacobs (3/07)

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Tierra Subida Biota Study  
Vegetation Map











FIGURE 2B




LSA



0 150 300 Feet

-  Study Limits  
 Joshua Tree  
 Juniper Tree  
 Potential Jurisdictional Areas

- Habitat Types  
 Developed  
 Disturbed

-  Mojave Mixed Woody Scrub  
 Mojave Mixed Woody Scrub/  
Mojavean Juniper Woodland Scrub  
 Ruderal

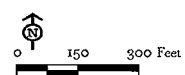
SOURCE AirPhotoUSA (2/06); JE Jacobs (3/07)

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Tierra Subida Biota Study  
Vegetation Map



LSA



- Study Limits
- Joshua Tree
- Juniper Tree
- Potential Jurisdictional Areas

- Habitat Types
- Developed
- Disturbed

- Mojave Mixed Woody Scrub
- Mojave Mixed Woody Scrub/  
Mojavean Juniper Woodland Scrub
- Ruderal

FIGURE 2C

SOURCE: AirPhotoUSA (2/06); JE Jacobs (3/07)  
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Tierra Subida Biota Study  
Vegetation Map

will determine jurisdiction over waters that are nonnavigable tributaries that are not relatively permanent and wetlands adjacent to nonnavigable tributaries that are not relatively permanent only after making a significant nexus finding.

The Corps and the United States Environmental Protection Agency (EPA) define wetlands as follows:

“Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted to life in saturated soil conditions.”

In order to be considered a jurisdictional wetland under Section 404, an area must possess three wetland characteristics: hydrophytic vegetation, hydric soils, and wetland hydrology. Each characteristic has a specific set of mandatory wetland criteria that must be satisfied.

### **Regional Water Quality Control Board**

The Regional Water Quality Control Board (RWQCB) has regulatory authority over waters of the United States pursuant to Section 401 of the Clean Water Act and waters of the State pursuant to the Porter-Cologne Water Quality Control Act (Porter-Cologne Act). The Corps cannot issue authorization for fill or discharge into waters of the United States without a Certification of Water Quality from the RWQCB. Additionally, isolated nonnavigable waters and wetlands excluded from Corps jurisdiction are subject to RWQCB authority as waters of the State, and any discharge of waste (RWQCB considers fill to be waste) may require a Report of Waste Discharge and may be subject to Waste Discharge Requirements by the RWQCB.

The RWQCB can require mitigation measures above and beyond those required by the Corps or CDFG; however, the mitigation proposed to satisfy the Corps and CDFG typically meets RWQCB requirements to offset impacts to beneficial uses.

### **United States Fish and Wildlife Service**

The Endangered Species Act (ESA) of 1973 sets forth a two-tiered classification scheme based on the biological health of a species. Endangered species are those in danger of becoming extinct throughout all or a significant portion of their range. Threatened species are those likely to become endangered in the foreseeable future; Special Rules under Section 4(d) can be made to address threatened species. Ultimately, the ESA attempts to bring populations of listed species to healthy levels so that they no longer need special protection.

Section 9 of the ESA prohibits the “take” of listed species by anyone unless authorized by the United States Fish and Wildlife Service (USFWS). Take is defined as “conduct which attempts or results in the killing, harming, or harassing of a listed species.” Harm is defined as “significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavior patterns, including breeding, feeding, or sheltering.” Harass is defined as an “intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns, including breeding, feeding, or sheltering.” Therefore, in order to comply with the ESA, any proposed project

should be assessed prior to construction to determine whether the project will impact listed species or, in the case of a federal action on the project, designated critical habitats. If no federal action is associated with the proposed project, and the project will result in take of listed species, authorization from the USFWS in the form of a Section 10(a) take permit and an accompanying Habitat Conservation Plan (HCP) are required. If a federal action exists and the project may impact listed species, or designated critical habitat, then consultation with the USFWS is required. That consultation can result in an incidental take authorization through a biological opinion.

### **California Department of Fish and Game**

The CDFG, through Section 1602 of the California Fish and Game Code, is empowered to issue agreements for any alteration of a river, stream, or lake where fish or wildlife resources may be adversely affected. Streams (and rivers) are defined by the presence of a channel bed and banks and at least an intermittent flow of water. CDFG regulates wetland areas only to the extent that those wetlands are a part of a river, stream, or lake as defined by CDFG. While seasonal ponds are within the CDFG definition of wetlands, if they are not associated with a river, stream, or lake, they are not subject to jurisdiction of CDFG under Section 1602 of the Fish and Game Code.

The California Endangered Species Act (CESA; State Fish and Game Code Sections 2050–2098) was signed into law in 1984. It was intended to parallel the federal law. The CESA prohibits the unauthorized “take” of species listed as threatened or endangered under its provisions. However, a significant difference exists in the CESA definition of “take,” which is limited to actually or attempting to “hunt, pursue, capture, or kill.” CESA provisions for authorization of incidental take include consultation with a State agency, board, or commission that is also a State Lead Agency pursuant to the CEQA; authorization of other entities through a 2081 permit; or adoption of a federal incidental take authorization pursuant to Section 2081.1. Similar to the federal act, actions in compliance with the measures specified as a result of the consultation process or 2081 permit are not prohibited.

### **Nesting Birds**

The federal Migratory Bird Treaty Act (MBTA) regulations and portions of the California Fish and Game Code prohibit the “take” of nearly all native bird species and their nests. While these laws and regulations were originally intended to control the intentional take of birds and/or their eggs and nests by collectors, falconers, etc., they can nevertheless be applied to unintentional take (e.g., destroying an active nest by cutting down a tree). It is sometimes possible to obtain a permit for relocating or removing a nest.

### **Special Interest Species**

Legal protection of special interest species varies widely, from the relatively comprehensive protection afforded to species listed as endangered and/or threatened to no legal status at present. The CDFG, USFWS, local agencies, and various special interest groups (e.g., CNPS) publish watch lists of declining species. These lists often describe the nature and perceived severity of the species’ decline. In addition, recently published findings and preliminary results of ongoing research provide a basis for consideration of species that are candidates for State and/or federal listing. Finally, species



that are clearly not rare or threatened either statewide or regionally, but whose local populations are sparse, rapidly dwindling, or otherwise unstable, may be "of local interest."

For purposes of this discussion, the term "special interest species" refers to those plants and animals occurring or potentially occurring on the property and designated as endangered or rare (as defined by the CEQA and its Guidelines), or of current local, regional, or State concern. These are species that are rare, locally restricted, or declining in a significant portion of their range. Inclusion in the special interest species analysis for this property is based on the following criteria: (1) direct observation of the species on the property during one of the biological surveys conducted for this report; (2) sighting by other qualified and reputable observers; (3) record reported by the CNDDDB; or (4) property contains appropriate habitat and is within the known range of a given species. A variety of sources was used to establish the list of special interest species potentially affected by the project. A foundation for the list of special interest species within the study area is established by reviewing the CNDDDB and CNPS databases. However, these databases are constantly modified and are not considered a complete list of identified species within a particular area. Therefore, to augment these lists, LSA utilizes local experts with knowledge of the study area, reconnaissance surveys, and agency biologists to augment the information supplied by the databases.

Several special interest plant and animal species identified in the initial literature search were subsequently excluded from further consideration because the property either lacks suitable conditions to support these species or the site is located well beyond their normal range.

In the "Results" section (below) and in Appendix A, special interest species are broken down into those listed as endangered or threatened by the State and/or federal agencies and those not listed as such. Plant communities/habitats of concern are considered separately. All special interest species generated by the aforementioned research that are known to occur or may potentially occur on the property are listed in Appendix A.

## RESULTS

In preparation for the biological survey, Ms. Delk reviewed the CNDDDB and CNPS Inventory of Rare and Endangered Plants of California databases for the Palmdale area. The site was evaluated for its potential to support the species on the list generated by the search of those databases in addition to species known to occur in the various high desert habitat types. The special interest species table (Appendix A, attached) describes the species and the probability of occurrence within the study area.

*The CDFG recognizes that Lists 1A, 1B, and 2 of the CNPS Inventory consist of plants that, in a majority of cases, would qualify for listing [pursuant to CEQA Guidelines Section 15380], and the Department recommends they be addressed in Environmental Impact Reports (EIRs).*

During the survey, all observed plant and animal species were recorded and are listed in Appendix B. As mentioned previously, due to the unusually dry winter season and the time constraints of the survey, not all plants and animals could be definitively identified. Definitive identification of some plant species requires flower parts or other vegetative structures that were not present due to the low amount of rainfall observed prior to the survey. Some animal species may require live trapping and/or

other further study for definitive identification. Depending upon the sensitivity of the species, those procedures may not be warranted due to the small size of the project.

### Current Site Conditions

This project involves the widening of Tierra Subida Avenue, which currently exists as a two-lane road throughout much of the project area, to a six-lane road. Additional turn lanes will also be included at intersections, and improvements will be made to roads that intersect Tierra Subida Avenue at the points of intersection. Much of the proposed project area consists of previously developed or disturbed land (i.e. roadway, road shoulder, ranch roads, and other developed land); however, there are significant areas of vegetation (i.e., Mojave mixed woody scrub, Mojave mixed woody scrub/Mojavean juniper woodland scrub, and ruderal) that will be impacted. There is open habitat to the east and west of the project site, but it is fragmented by Tierra Subida Avenue, Avenue S, the Antelope Valley Freeway (State Route 14 [SR-14]), the California aqueduct, and a landfill. The exact acreages of each vegetation type as well as the number of Joshua and California juniper trees that will be impacted will be calculated once the project footprint has been finalized; the conceptual mitigation of impacts is discussed below.

The soil types range from shallow, rocky, gravelly soil to sandy alluvium. Some evidence of dumping, off-highway vehicle use, and target shooting was observed. Adjacent land uses include some residential housing, commercial mixed-use, a nearby landfill, and undeveloped land.

### Plant Communities

There are five broad habitat classifications within the study area: Mojave mixed woody scrub, Mojave mixed woody scrub/Mojavean juniper woodland scrub, ruderal, developed, and disturbed. The results of the mapping are presented in Figures 2A–2C.

**Mojave Mixed Woody Scrub.** Mojave mixed woody scrub is a complex scrub that is open enough to be passable. Most of the constituent species also occur in other nearby communities. The soils associated with this type of scrub are usually very shallow, overly drained, usually derived from granitic parent materials, and typically have an extremely low water-holding capacity. Mojave mixed woody scrub is widely but erratically distributed along the eastern base of the Sierra Nevada from the southwestern Owens Valley southward along the Tehachapi, San Gabriel, San Bernardino, San Jacinto, and Peninsular ranges to northern Baja California. It typically occurs between 2,000 and 5,000 ft elevation. Associated plant species include Joshua tree, rosemary California buckwheat (*Eriogonum fasciculatum* var. *polifolium*), bladderpod (*Isomeris arborea*), burro-weed (*Ambrosia dumosa*), salt bush (*Atriplex* spp.), brickellbush (*Brikelia oblongifolia* var. *linifolia*), rabbit brush (*Chrysothamnus teretifolius*), blackbush (*Coleogyne ramosissima*), Mormon tea (*Ephedra nevadensis*), green ephedra (*Ephedra viridis*), interior goldenbush (*Ericameria linearifolia*), rock nettle (*Eucnide urens*), bedstraw (*Galium argense*), gilia (*Gilia cana*), hop sage (*Grayia spinosa*), burrobrush (*Hymenoclea salsola*), grape soda lupine (*Lupinus exubitus*), white-bracted stick-leaf (*Mentzelia involucrata*), beavertail cactus (*Opuntia basilaris*), Charlotte's phacelia (*Phacelia nashiana*), antelope bush (*Purshia tridentata* var. *glandulosa*), bladdersage (*Salazaria mexicana*), fleshy sage (*Salvia dorrii*), and horsebrush (*Tetradymia axillaris*). Mojave mixed woody scrub

occurs throughout the study area south of Avenue Q. The Mojave mixed woody scrub to the west of Tierra Subida Avenue is of higher quality than that occurring to the east.

**Mojave Mixed Woody Scrub/Mojavean Juniper Woodland Scrub.** This classification represents a transition between Mojave mixed woody scrub (described above) and Mojavean juniper woodland scrub. Mojavean juniper woodland scrub is an extremely open woodland dominated by California juniper, with an understory typically consisting of Mojave mixed woody scrub. Mojave mixed woody scrub/Mojavean juniper woodland scrub exists along the southern Sierra Nevada and Tehachapi mountains and along the desert slopes of the Transverse and Peninsular ranges. It is also found at appropriate elevations around the mountains in the Mojave Desert. Associated plant species include those associated with Mojave mixed woody scrub as well as mountain mahogany (*Cercocarpus intricatus*), antelope bush (*Purshia mexicana* var. *stansburyana*), Apache plume (*Fallugia paradoxa*), shrub live oak (*Quercus turbinella*), and turpentine-broom (*Thamnosma montana*). Mojave mixed woody scrub/Mojavean juniper woodland scrub occurs as small patches throughout the study area south of Avenue Q.

**Ruderal.** The term *ruderal* refers to weedy and/or early successional species, often nonnative grasses, that readily colonize disturbed ground. Associated species include black mustard (*Brassica nigra*), shortpod mustard (*Hirschfeldia incana*), doveweed (*Croton setigerus*), jimsonweed (*Datura* sp.), Russian thistle (*Salsola tragus*), and nonnative annual grasses. Ruderal habitat is similar to disturbed habitat. Often times ruderal habitat occupies an area that has been disturbed in the past, but since the disturbance has been colonized by ruderal species. Ruderal habitat is found primarily at the northern end of the study area. These areas appear to have been disturbed in the past.

**Developed.** This classification applies to all buildings, pavements, and highway rights-of-way. Tierra Subida Avenue, intersecting roads, portions of the road shoulder, and buildings along Tierra Subida Avenue make up the developed area within the study area.

**Disturbed.** Disturbed areas include areas that have been cleared of natural vegetation by human or natural means, such as clearing and grading or fire. None of the disturbed areas within the study area occurred as a result of fire. The disturbed areas within the study area are primarily constituted by dirt roads, recreational trails, cleared land around housing and roads, and fallow agricultural land.

## Wildlife

The predominant native habitat type within the study area is Mojave mixed woody scrub. Wildlife species occurring within the study area are characteristic of those found within this habitat type. All animal species observed or detected on site are listed in Appendix B.

Because native habitat within the study area exists as narrow bands of fragmented vegetation along an existing roadway, usage of the study area by large mammals has been negatively impacted. No evidence of large or medium-sized mammals was observed within the study area. Usage by avian species is limited both for nesting and foraging. Two bird species and two small mammal species

were observed during the survey of the study area. No special interest animal species were observed within the study area.

### **Wildlife Movement and Habitat Fragmentation**

Large areas of habitat or narrower linkages of habitat between expanses of open space provide movement corridors for wildlife. The spatial relationship of food, water, and cover is generally of greatest importance, with movement patterns in temperate areas of California following a daily (rather than seasonal) cycle. Movement serves to facilitate the geographic distribution of genetic material, thus maintaining a level of variability in the gene pool of an animal population. Influxes of animals from nearby larger populations contribute to the genetic diversity of a local population, helping ensure the population's ability to adapt to changing environmental conditions. Movement may occur in small groups, but most often is executed individually. Many plant species that depend on terrestrial insects for pollination also benefit from habitat linkages that allow for genetic exchange and dispersal. Reduced insect movement due to habitat fragmentation results in reduced genetic vigor in those plants. Tierra Subida Avenue currently runs through the length of the study area. The northern portion of the study area is developed. The eastern half of the middle part of the study area is largely developed. In the southern portion of the study area, much of the area to the east and west of the study area is disturbed. Consequently, any major functional wildlife corridors have been reduced or eliminated.

### **Special Interest Wildlife Species**

**Listed Species.** The State and federally listed as threatened desert tortoise (*Gopherus agassizii*) is considered to have a low probability for occurrence within the study area due to the study area's proximity to nearby roads, marginal habitat quality within the study area, and the study area location outside of the known range for this species. No tortoise sign (i.e., scat, burrows, etc.) was observed during the biological walkover. The study area is located in an area designated as a "no survey zone" in the West Mojave Plan.

The State listed as threatened Mohave ground squirrel (*Spermophilus mohavensis*) is considered to have a moderate probability for occurrence within the study area based on the presence of habitat components that are known to support the species. The study area is within the current species range; however, the species is generally rare in the Palmdale area. Focused surveys are required to determine the presence/absence of this species due to the presence of suitable habitat within the study area.

**Nonlisted Species.** The following additional special interest animal species, which are discussed in more detail in Appendix A, have a moderate to high potential to regularly occur on site or as more than occasional migrants:

- San Diego banded gecko (*Coleonyx variegates abbotti*)
- Coast horned lizard (*Phrynosoma coronatum*)
- Coastal western whiptail (*Aspidoscelis tigris stejnegeri*)
- Rosy boa (*Lichanura trivirgata*)



- Silvery legless lizard (*Anniella pulchra pulchra*)
- White-tailed kite (*Diadophis punctatus modestus*)
- Cooper's hawk (*Accipiter cooperi*)
- Golden eagle (*Aquila chrysaetos*)
- Merlin (*Falco mexicanus*)
- Loggerhead shrike (*Lanius ludovicianus*)
- Burrowing owl (*Athene cunicularia*)
- Costa's hummingbird (*Calypte costae*)
- Lark sparrow (*Chondestes grammacus*)
- Lawrence's goldfinch (*Carduelis lawrencei*)
- Yuma myotis (*Myotis yumanensis*)
- Western mastiff bat (*Eumops perotis*)
- Southern grasshopper mouse (*Onychomys torridus intermedia*)

### Special Interest Plant Species

**Listed Species.** No federally listed, State listed, proposed endangered, or threatened plant species were observed on the site during the survey. Two listed plant species, or species proposed for listing, were identified in the literature review as potentially occurring on site or in the study area. The probability of either of these species occurring within the study area is low.

Nevin's barberry (*Berberis nevinii*) is a perennial species that inhabits gravelly wash margins in alluvial scrub or coarse soils in chaparral. It typically occurs between 900 and 2,700 ft in elevation and is known to occur in Los Angeles, San Bernardino, Riverside, and San Diego Counties. This species was not observed during the biological assessment and is considered to be absent from the study area.

Slender-horned spineflower (*Dodecahema leptoceras*) is an annual species that inhabits gravel soils in openings of chamise chaparral or on sandy soils in openings in alluvial scrub (usually late seral stage) in floodplain terraces and benches that receive overbank deposits every 50 to 100 years from generally large washes or rivers. It occurs between 600 and 2,500 ft in elevation and is known to occur in Los Angeles, Riverside, and San Bernardino Counties. Although the soil conditions within the study area are suitable for this species, the study is outside of the elevation and geographic ranges for this species, and the environmental conditions associated with this species are not present within the study area.

**Nonlisted Species.** Two nonlisted, special interest, perennial plant species (California juniper and Joshua trees) were found within the study area. These two species are covered by the Joshua Tree and Native Desert Vegetation Preservation Ordinance (Ordinance; Section 14.04, Palmdale Municipal

Code). The Ordinance sets forth requirements for the preservation of native desert plants, primarily Joshua trees and California junipers.

One nonlisted special interest (CNPS List 1B) plant species has a moderate probability of occurring within the study area (white-bracketed spineflower [*Chorizanthe xanti* var. *leucotheca*]). It is discussed in further detail in Appendix A. This species was not observed during the biological assessment; however, it may not have been detectable during the survey conducted due to the lack of rainfall received during winter/spring 2006/2007 (approximately 2 inches). Spring surveys in 2008 are recommended to definitively ascertain the presence or absence of this species.

### **Sensitive Habitats**

Habitats are considered to be sensitive biological resources based on: (1) federal, State, or local laws regulating their development; (2) limited distributions; and/or (3) the habitat requirements of special interest plants or animals occurring on site. Wetlands and other waters are considered sensitive by both federal and State agencies.

There are three areas adjacent to Tierra Subida Avenue between Avenue S and Palmdale Boulevard that may fall under State jurisdiction depending on the final project footprint. The first area is a blue-line stream (Anaverde Creek) just south of City Ranch Road. The second area is a small ephemeral wash between Avenue Q-8 and Fifth Street. The third area is a small drainage basin and connecting drainage ditch on the west side of Tierra Subida Avenue between Avenue Q-8 and Fifth Street. A formal jurisdictional delineation should be conducted for these three areas to determine if they are or are not jurisdictional.

## **PROJECT-RELATED IMPACTS**

### **Significance Criteria**

Project effects upon biological resources may be significant if any of the following result:

- Substantial direct or indirect effect on any species identified as a candidate, special interest, or special status species in local/regional plans, policies, or regulations, or by the CDFG or USFWS
- Substantial effect upon sensitive natural communities identified in local/regional plans, policies, or regulations or by agencies above
- Substantial effect (e.g., fill, removal, hydrologic interruption) upon federally or state protected wetlands
- Substantial interference with movement of native resident or migratory wildlife species or with established native resident or migratory wildlife corridors or impeding the use of native wildlife nursery sites
- Conflict with any local policies/ordinances that protect biological resources (e.g., Joshua tree and Native Desert Vegetation Preservation Ordinance)

## Impacts to Biological Resources

General impacts associated with the proposed project include the following:

- Direct loss of habitat as a result of vegetation removal and grading during construction
- Displacement of resident wildlife through the elimination/reduction of habitat
- Potential impacts to nesting birds occurring on the site

## Impacts to Jurisdictional Waters

There are three areas adjacent to Tierra Subida Avenue between Avenue S and Palmdale Boulevard that may fall under State jurisdiction depending on the final project footprint. The first area is a blue-line stream (Anaverde Creek) just south of City Ranch Road. The second area is a small ephemeral wash between Avenue Q-8 and Fifth Street. The third area is a small drainage basin and connecting drainage ditch on the west side of Tierra Subida Avenue between Avenue Q-8 and Fifth Street. A formal jurisdictional delineation and impact analysis for these waters should be conducted for these three areas to determine if jurisdictional waters will actually be affected; however, none of the waters within the project survey area are tributary to traditional navigable waters. Therefore, it is likely that jurisdiction will be limited to State agencies.

## Impacts to Sensitive Habitats

The habitat types observed within the study area include: Mojave mixed woody scrub, Mojave mixed woody scrub/Mojavean juniper woodland scrub, ruderal, disturbed, and developed. In the context of the overall Mojavean/high-desert community, the removal of such a limited amount of native and disturbed habitats within such a narrow band along an already developed parcel of land (Tierra Subida Avenue) would be considered less than significant.

## Wildlife Movement, Habitat Fragmentation, and Habitat Reduction

Impacts to wildlife movement as a result of this project are considered to be less than significant. The widening of Tierra Subida Avenue will neither significantly impact wildlife movement nor fragment habitat any further than the existing configuration of Tierra Subida Avenue already does. Furthermore, the widening of Tierra Subida Avenue does not represent significant reduction of habitat quality in the area.

## Special Interest Biological Resources

**Plants.** Due to the low amount of rainfall experienced prior to the survey, it was not possible to definitively ascertain the presence or absence of all special interest species. Some special interest plant species may not have been detectable this year. Spring surveys in 2008 are recommended to definitively ascertain the presence or absence of annual special interest species, especially white-bracketed spineflower (CNPS List 1B), the only annual special interest species that has at least a moderate probability of occurring within the study area. Impacts to white-bracketed spineflower shall

be considered significant if a substantial population (greater than 200 individuals) is observed within the final construction footprint.

California juniper and Joshua trees are present within the study area. Whether or not any of the California juniper and Joshua trees observed will be within the project footprint cannot be determined until the project limits are finalized. Any impacts to California juniper and/or Joshua trees require mitigation under the local Ordinance.

**Animals.** No special interest animal species were observed directly within the study area.

The burrowing owl (California Species of Special Concern [CSC]) is the only raptor with at least a moderate probability of occurring and would likely nest within the study area. A focused survey for the burrowing owl is required to determine its presence/absence. The burrowing owl's presence may be considered significant. Under Sections 3503 and 3503.3 of the CDFG Code and the federal MBTA, it is unlawful to take, possess, or needlessly destroy any bird of prey or the nests of or eggs of any bird species. Disturbance of any active bird nest during the breeding season, including active burrowing owl burrows, would be prohibited by law. If present, consultation with CDFG will be required to obtain impact minimization, avoidance, and relocation procedures.

The site may offer suitable foraging habitat for other raptors. Raptors that have a moderate probability of foraging within the study area include: Cooper's hawk (CSC), white-tailed kite (California Fully Protected Animal [CFP]), golden eagle (CSC), and merlin (CSC). However, there are no trees within the survey area that could be suitable nesting trees for raptors. No nests were observed during the field survey. When considered in the context of the size of existing nearby open spaces, impacts to these raptor species are considered to be less than significant due to the small amount of marginal habitat within the study area that may be impacted depending on the final footprint of the project.

Other special interest bird species that have at least a moderate probability of occurrence within the study area include: loggerhead shrike (CSC), Costa's hummingbird (California Special Animal [CSA]), lark sparrow (CSA), and Lawrence's goldfinch (CSA). All four may nest within the study area. As previously stated above, disturbance of any active bird nest during the breeding season is prohibited by law and would be considered significant. Provided no active bird nests are disturbed, impacts to the above species are considered to be less than significant when considered in the context of the size of existing nearby open spaces and the relatively small amount of habitat within the study area that may be impacted depending on the final footprint of the project.

Impacts to the following special interest reptile and mammal species that have a moderate probability of occurrence within the study area are considered to be less than significant when considered in the context of the size of existing nearby open spaces and the relatively small amount of habitat within the study area that may be impacted depending on the final footprint of the project: San Diego banded gecko (CSA), coast horned lizard (CSC), coastal western whiptail (CSA), silvery legless lizard (CSC), rosy boa (CSA), Yuma myotis (CSA), western mastiff bat (CSC), and the southern grasshopper mouse (CSC). The two bats may forage on site; however, suitable habitat for maternity roosts is not present.

The desert tortoise is listed as Threatened at a State and federal level. The study area is located in a "no survey zone" as listed in the West Mojave Plan Final Environmental Impact Report (FEIR) (Map 2-9). No surveys are required to ascertain the presence/absence of this species because the survey area is outside of this species' known range. No sign of this species was observed during the survey of the study area; therefore, impacts to this species are considered less than significant.

The Mohave ground squirrel is listed by the State as Threatened. This species has a low likelihood of occurrence on the site; however, if present, impacts to this species are considered to be significant. Protocol live-trapping or consultation with CDFG is recommended to further assess the potential impacts. Ultimately, habitat mitigation may be warranted if the species is present or presumed to be present.

## **PROJECT DESIGN FEATURES/MITIGATION MEASURES**

### **Measures to Address General Impacts to Biological Resources**

The direct loss of disturbed or developed habitats during construction is not considered a significant impact. Additionally, the limited loss of Mojave mixed woody scrub and Mojave mixed woody scrub/Mojavean juniper woodland scrub in the context of the overall Palmdale area is considered less than significant.

If they occur, impacts to Joshua trees and California junipers could be considered significant unless mitigated to a less than significant level. The impacts to Joshua trees and California junipers can be mitigated through compliance with the Joshua Tree and Native Desert Vegetation Preservation Ordinance (Ordinance; Section 14.04, Palmdale Municipal Code). The Ordinance sets forth requirements for the preservation of native desert plants, primarily Joshua trees and California junipers. If the Joshua trees and California junipers are to be removed as part of this proposed improvement, the removal must be conducted in accordance with the Ordinance. A native desert vegetation removal permit and/or a desert vegetation preservation plan may be required.

In addition to the Ordinance, precautions must be taken to avoid impacts to raptors and other birds covered by the MBTA. Tree and large shrub removals should be scheduled to occur outside the primary nesting season for raptors (January 1–July 31). That time period is inclusive of most other birds' nesting periods, thus maximizing avoidance of impacts to any nesting birds. If nesting birds are observed within the vicinity, a buffer from the nest shall be established. The size of the buffer is dependent upon the species and shall be determined by a qualified biologist. The buffer shall be delineated by roping the boundaries of construction and shall remain in place until the nest is abandoned or the young have fledged.

### **Mitigation Measures to Address Impacts to Special Interest Species**

**Wildlife.** Construction should be scheduled outside the bird breeding season (January 1–July 31). If construction must be completed during the breeding season, surveys for nesting birds must be conducted. All vegetation clearing and grubbing must be monitored by a qualified biologist in order to allow for flushing of wildlife. Application of these measures will mitigate impacts to most species to a level of insignificance. If further investigation indicates the presence of Mohave ground squirrel or burrowing owl, the development of specific mitigation measures will be required.

**Plants.** Spring surveys in 2008 are recommended to definitively ascertain the presence or absence of annual special interest species, especially white-bracketed spineflower (CNPS List 1B), the only annual special interest species that has at least a moderate probability of occurring within the study area. Impacts to white-bracketed spineflower shall be considered significant if a significant population (greater than 200 individuals) is observed within the final construction footprint. If a significant population is found within the final construction footprint, it may be appropriate to develop a mitigation plan with input from the regulatory agencies that focuses on the development and implementation of a seed salvage and relocation plan in order to mitigate the impacts to the species to a level of insignificance.

If any federally or State-listed plants or plants listed on CNPS Lists 1 and 2 are encountered on the site during the 2008 spring floristic survey, depending on the size and sensitivity of the individual species, it may be appropriate to develop a mitigation plan with input from the regulatory agencies in order to mitigate the impacts to those species to a level of insignificance.

## REFERENCES

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Holland, R.F. 1986. *Preliminary Descriptions of the Terrestrial Natural Communities of California*. Unpublished report available from California Department of Fish and Game, Sacramento, California.

United States Geological Survey. *Palmdale and Ritter Ridge, California* 7.5-minute quadrangles.

## APPENDIX A

### SPECIAL INTEREST SPECIES TABLE

Species	Habitat and Distribution	Activity/ Blooming Period	Status Designation	Probability of Occurrence
<b>SPECIES LISTED OR PROPOSED FOR LISTING</b>				
<b>VASCULAR PLANTS</b>				
<b>Nevin's barberry</b> <i>Berberis nevinii</i>	Gravelly wash margins in alluvial scrub or coarse soils in chaparral; typically 275 to 825 meters (m) (900 to 2,700 feet [ft]) in elevation; Los Angeles, San Bernardino, Riverside, and San Diego Counties.	Foliage year-round	Fed: FE State: CE CNPS: 1B	<b>Absent.</b> Not detected during site survey.
<b>Slender-horned spineflower</b> <i>Dodecahema leptoceras</i>	Gravel soils in openings in chamise chaparral or on sandy soils in openings in alluvial scrub (usually late seral stage) in floodplain terraces and benches that receive overbank deposits every 50 to 100 years from generally large washes or rivers; 200 to 760 m (600 to 2,500 ft) elevation. Los Angeles, Riverside, and San Bernardino Counties.	April–June	Fed: FE State: CE CNPS: 1B	<b>Low.</b> Northernmost reported occurrences in Agua Dulce, Mint Canyon, and Newhall United States Geological Survey (USGS) quads.
<b>REPTILES</b>				
<b>Desert tortoise</b> <i>Gopherus (Xerobates) agassizii</i>	Historically found throughout the Mojave and Sonoran Deserts into Arizona, Nevada, and Utah. Occurs throughout the Mojave Desert in scattered populations. Tortoises living in the Mojave and Colorado Deserts and are generally found below the 4,000 ft elevation in tree-yucca (Joshua tree and Mohave yucca) communities, creosote bush and saltbush scrub habitats, and in some ocotillo-creosote habitats. They occupy a wide variety of soil types, ranging from sand dunes to rocky hillsides, and from caliche caves in washes to sandy soils and desert pavements.	March–October (primarily May–June)	Fed: FT State: CT	<b>Low.</b> Site located in an area designated as a “No Survey Zone” in the West Mojave Plan. In the undisturbed areas of the site, the habitat is suitable.
<b>MAMMALS</b>				
<b>Mohave ground squirrel</b> <i>Spermophilus mohavensis</i>	Western Mojave Desert from southwestern Inyo County, south through eastern Kern County, northwestern San Bernardino County, and northwestern Los Angeles County. Found predominantly in creosote bush scrub and other low-lying desert scrub areas. Identified as occurring in and around Victorville west to beyond Lancaster and north to Olancho. Often found in association with the white-tailed antelope squirrel, a sympatric species.	March–July	Fed: — State: CT	<b>Moderate.</b> Suitable habitat present, but the species is generally rare in the Palmdale area; protocol trapping may be required.
<b>SPECIES NOT LISTED NOR PROPOSED FOR LISTING</b>				
<b>VASCULAR PLANTS</b>				
<b>Lancaster milkvetch</b> <i>Astragalus preussii</i> var. <i>laxiflorus</i>	Perennial herb of alkaline clay flats, gravelly or sandy washes, and along draws in gullied badlands, in chenopod scrub at about 700 m (2,300 ft) elevation. Known in California only from near Lancaster, Los Angeles County, where it is extremely rare, and possibly from Kern County (Edwards Air Force Base); also occurs in Nevada and Arizona.	March–May	Fed: — State: — CNPS: 1B	<b>Low.</b> Very uncommon and possibly extinct in California, more common in other western states. No remnants of any <i>Astragalus</i> sp. detected during survey.



Species	Habitat and Distribution	Activity/ Blooming Period	Status Designation	Probability of Occurrence
<b>Palmer's mariposa lily</b> <i>Calochortus palmeri</i> var. <i>palmeri</i>	Perennial herb of vernal moist places in chaparral and lower montane coniferous forest at 600 to 2,200 m (2,000 to 7,200 ft) elevation. Known from Riverside, San Bernardino, Santa Barbara, Los Angeles, Ventura, Kern, and San Luis Obispo Counties.	Blooms May–July	Fed: — State: — CNPS: 1B	<b>Low.</b> Site probably too dry.
<b>White-bracketed spineflower</b> <i>Chorizanthe xanti</i> var. <i>leucotheca</i>	Annual herb of Mojave desert scrub and pinyon and juniper woodland at 300 to 1,200 m (900 to 4,000 ft) elevation. Known only from Los Angeles, Riverside, and San Bernardino Counties.	April–June	Fed: — State: — CNPS: 1B	<b>Moderate.</b> Habitat appears suitable.
<b>Los Angeles sunflower</b> <i>Helianthus nuttallii</i> ssp. <i>parishii</i>	Herbaceous perennial rhizomatous herb of marshes and swamps (wet ground) below 460 m (1,500 ft) elevation. Known from Los Angeles, San Bernardino, and Orange Counties.	August–October	Fed: — State: — CNPS: 1A	<b>Low.</b> Presumed extinct in California. Known from Newhall and Whittaker Peak (?) quads.
<b>Latimer's woodland gilia</b> <i>Saltugilia latimeri</i>	Herb of rocky or sandy substrates in chaparral and Mojavean desert scrub at 400 to 1,900 m (1,300 to 6,200 ft) elevation.	March–June	Fed: — State: — CNPS: 1B	<b>Low.</b> Habitat appears suitable; however, not known in Los Angeles County.
<b>Rayless ragwort</b> <i>Senecio aphanactis</i>	Annual herb of drying alkaline flats in cismontane woodland, coastal sage scrub, and chaparral at 15 to 575 (800?) m (50 to 1,900 [2,600] ft) elevation. Known in California from Alameda, Contra Costa, Fresno, Los Angeles, Merced, Monterey, Orange, Riverside, Santa Barbara, Santa Clara, San Diego, San Luis Obispo, Solano, and Ventura Counties.	Blooms January–April	Fed: — State: — CNPS: 2	<b>Low.</b> Known only from Newhall and San Dimas quads in Los Angeles County. No apparent alkaline flat soils within study area.
<b>Mason's neststraw</b> <i>Strylocline masonii</i>	Annual herb of sandy washes in chenopod scrub and pinyon and juniper woodland at 100 to 1,200 m (300 to 4,000 ft) elevation. Known only from Kern, Los Angeles, Monterey, and San Luis Obispo Counties.	March–May	Fed: — State: — CNPS: 1B	<b>Low.</b> Habitat is marginally suitable. May require more alluvial environment.
<b>San Bernardino aster</b> <i>Symphyotrichum defoliatum</i>	Perennial herb of vernal mesic sites (such as ditches, streams, and springs) in many plant communities below 2,040 m (6,700 ft) elevation. In California, known from Ventura, Kern, San Bernardino, Los Angeles, Orange, Riverside, and San Diego Counties.	Blooms July–November	Fed: — State: — CNPS: 1B	<b>Low.</b> Normally found near streams and springs but may occasionally occur in dry open grasslands.
<b>Short-joint beavertail</b> <i>Opuntia basilaris</i> var. <i>brachyclada</i>	Perennial succulent shrub of sandy soil or coarse, granitic loam in chaparral, Joshua tree woodland, Mojavean desert scrub, and pinyon-juniper woodland at 425 to 1,800 m (1,400 to 5,900 ft) elevation. Known only from Los Angeles and San Bernardino Counties. Historically distributed on the desert slopes of the San Gabriel and San Bernardino Mountains and also the Providence Mountains.	Blooms April–June; identifiable year-round	Fed: — State: — CNPS: 1B	<b>Low.</b> Habitat generally suitable but not detected during survey. Not observed during initial survey.
<b>Sagebrush loeflingia</b> <i>Loeflingia squarrosa</i> var. <i>artemisiarum</i>	Annual herb of sandy flats and dunes within Great Basin scrub, Sonoran desert scrub, and desert dunes at 700 to 1,615 m (2,300 to 5,300 ft). Known in California from Inyo, Kern, Lassen, Los Angeles, and San Bernardino Counties.	Blooms April–May	Fed: — State: — CNPS: 2	<b>Low.</b> Habitat marginally suitable.
<b>REPTILES</b>				
<b>Southwestern pond turtle</b> <i>Actinemys marmorata pallida</i>	Permanent or nearly permanent water in a wide variety of habitat types; requires basking sites such as partially submerged logs, rocks, or open mud banks. Central California to northwestern Baja California.	Year-round	Fed: — State: CSC	<b>Low.</b> No suitable habitat present.
<b>San Diego banded gecko</b> <i>Coleonyx variegatus abbotti</i>	Chaparral, coastal sage, and desert habitats (often with rocks) from southwestern California to northern Baja California Sur.	Year-round, but primarily the warmer months	Fed: — State: CSA	<b>Moderate.</b> Site is near the interface of <i>C.v. abbotti</i> and <i>C.v. variegatus</i> of the Mojave Desert.

Species	Habitat and Distribution	Activity/ Blooming Period	Status Designation	Probability of Occurrence
<b>Common chuckwalla</b> <i>Sauromalus ater</i>	Rocky deserts of the southwestern United States and northwestern Mexico.	Warmer months	Fed: — State: CSA	<b>Low.</b> Habitat probably unsuitable.
<b>Coast horned lizard</b> <i>Phrynosoma coronatum</i>	Wide variety of habitats including coastal sage scrub and grassland riparian woodland; typically on or near loose sandy soils. Known from coastal and inland areas from northern California to Baja California.	April–July	Fed: — State: CSC	<b>Moderate.</b> Habitat appears suitable, but site is at the fringe of the species' range.
<b>Coastal western whiptail</b> <i>Aspidoscelis tigris stejnegeri</i>	Wide variety of habitats including coastal sage scrub, sparse grassland, and riparian woodland; coastal and inland valleys and foothills. Known from Ventura County to Baja California.	April–August	Fed: — State: CSA	<b>Moderate.</b> Site is near the interface of <i>A.t. stejnegeri</i> and <i>A.t. tigris</i> of the Mojave Desert.
<b>Silvery legless lizard</b> <i>Anniella pulchra pulchra</i>	Inhabits loose soil and humus from central California to northern Baja California.	Year-round	Fed: — State: CSC	<b>Low.</b> On-site habitat probably unsuitable.
<b>Rosy boa</b> <i>Lichanura trivirgata</i>	Inhabits rock outcrops and arid shrublands from southern California and western Arizona to northwestern Mexico.	Warmer months	Fed: — State: CSA	<b>Moderate.</b> Habitat appears to be suitable.
<b>San Bernardino ringneck snake</b> <i>Diadophis punctatus modestus</i>	Under surface objects along drainage courses, in mesic chaparral and oak and walnut woodland communities. Moist habitats of southwestern California from about Ventura to Orange Counties.	Year-round	Fed: — State: CSA	<b>Low.</b> Habitat probably unsuitable.
<b>Coast patch-nosed snake</b> <i>Salvadora hexalepis virgulata</i>	Coastal chaparral, washes, sandy flats, and rocky areas from San Luis Obispo County to northwestern Baja California.	Year-round	Fed: — State: CSC	<b>Low.</b> Probably outside the range of the subspecies.
<b>BIRDS</b>				
<b>White-tailed kite</b> <i>Elanus leucurus</i>	Open country in South America and southern North America.	Year-round	Fed: — State: CFP	<b>Moderate.</b> Nesting habitat not present on site, but birds from nearby areas may forage occasionally.
<b>Cooper's hawk</b> <i>Accipiter cooperi</i>	Primarily forests and woodlands throughout North America.	Year-round	Fed: — State: CSC (nesting)	<b>Moderate.</b> Nesting habitat not present on site, but birds from nearby areas may forage occasionally.
<b>Ferruginous hawk</b> <i>Buteo regalis</i>	Open country in western North America; north to Canada in summer and south to Mexico in winter.	Fall and winter	Fed: — State: CSC	<b>Low.</b> Habitat generally unsuitable.
<b>Golden eagle</b> <i>Aquila chrysaetos</i>	Generally open country of the Temperate Zone worldwide. Uncommon resident in southwestern California.	Year-round	Fed: — State: CSC	<b>Moderate.</b> Site unsuitable for nesting, but foraging birds may visit.
<b>Merlin</b> <i>Falco columbarius</i>	Open country; breeds in the Holarctic Region and winters south to the tropics. Rare fall migrant and winter visitor to southwestern California.	Fall and winter	Fed: — State: CSC	<b>Moderate.</b> Generally rare and localized, but foraging birds may occur almost anywhere.
<b>Prairie falcon</b> <i>Falco mexicanus</i>	Open country in much of North America.	Year-round	Fed: — State: CSC (nesting)	<b>Low.</b> Site unsuitable for nesting, but foraging birds may visit.
<b>Burrowing owl</b> <i>Athene cunicularia</i>	Open country in much of North and South America.	Year-round	Fed: — State: CSC (burrow sites)	<b>Low--Moderate.</b> Habitat generally unsuitable.
<b>Long-eared owl</b> <i>Asio otus</i>	Scarce and local in forests and woodlands throughout much of the Northern Hemisphere.	Year-round	Fed: — State: CSC (nesting)	<b>Low.</b> Site unsuitable for nesting, but foraging birds may visit.
<b>Costa's hummingbird</b> <i>Calypte costae</i>	Primarily deserts, arid brushy foothills, and chaparral in the southwestern United States and northwestern Mexico.	Spring–fall	Fed: — State: CSA (nesting)	<b>High.</b> Habitat is suitable.

Species	Habitat and Distribution	Activity/ Blooming Period	Status Designation	Probability of Occurrence
<b>Loggerhead shrike</b> <i>Lanius ludovicianus</i>	Open country in much of North America, but declining in many areas, including southwestern California.	Year-round	Fed: — State: CSC (nesting)	<b>High.</b> Habitat suitable for nesting and foraging.
<b>Le Conte's thrasher</b> <i>Toxostoma lecontei</i>	Inhabits sparsely vegetated desert flats, dunes, alluvial fans, or gently rolling hills having a high proportion of saltbush ( <i>Atriplex</i> spp.) or cholla (cylindrical <i>Opuntia</i> spp.), often occurring along small washes or sand dunes. Uncommon and local resident in low desert scrub throughout most of the Mojave Desert and elsewhere in the southwestern United States and northwestern Mexico.	Year-round	Fed: — State: CSC	<b>Low.</b> Habitat is only marginally suitable.
<b>Lark sparrow</b> <i>Chondestes grammacus</i>	Open situations with scattered bushes or trees. Breeds throughout much of western North America and winters from the southern United States to southern Mexico.	Year-round	Fed: --- State: CSA (nesting)	<b>Moderate.</b> Habitat may be suitable for nesting.
<b>Tricolored blackbird</b> <i>Agelaius tricolor</i>	Open country in western Oregon and California, and northwestern Baja California.	Year-round	Fed: — State: CSC (nesting)	<b>Low.</b> Habitat generally unsuitable, but foraging birds could visit from any nearby nesting areas.
<b>Lawrence's goldfinch</b> <i>Carduelis lawrencei</i>	Oak woodland chaparral, riparian woodland and other habitats in arid regions but usually near water; from northern California to northern Baja California but periodically wandering throughout much of western North America.	Primarily spring and summer	Fed: — State: CSA (nesting)	<b>Low.</b> Habitat probably unsuitable for nesting.
<b>MAMMALS</b>				
<b>Yuma myotis</b> <i>Myotis yumanensis</i>	Varied habitats in western North America.	Warmer months	Fed: — State: CSA	<b>Moderate.</b> Foraging animals may occasionally visit from more suitable habitat nearby.
<b>Southwestern yellow bat</b> <i>Lasiurus xanthinus</i>	Varied habitats but usually near water; often associated with palm trees. Southwestern United States to southern Mexico.	Year-round; primarily warmer months	Fed: — State: CSA	<b>Low.</b> Foraging animals may occasionally visit from more suitable habitat nearby.
<b>Western red bat</b> <i>Lasiurus blossevillei</i>	Forages over a wide range of habitats, but generally roosts in woodlands and forests. Ranges from southwestern Canada through the western United States and Middle America to South America.	Year-round; primarily warmer months	Fed: — State: CSA	<b>Low.</b> Foraging animals may occasionally visit from more suitable habitat nearby.
<b>Hoary bat</b> <i>Lasiurus cinereus</i>	Widespread in North America and Hawaii, with habits similar to the western red bat.	Year round	Fed: — State: CSA	<b>Low.</b> Foraging animals may occasionally visit from more suitable habitat nearby.
<b>Pallid bat</b> <i>Antrozous pallidus</i>	Varied habitats in western North America.	Warmer months	Fed: — State: CSC	<b>Low.</b> Foraging animals may occasionally visit from more suitable habitat nearby.
<b>Pocketed free-tailed bat</b> <i>Nyctinomops femorosaccus</i>	Varied habitats but usually associated with high cliffs or rocky areas; southwestern North America.	Warmer months	Fed: — State: CSC	<b>Low.</b> Foraging animals may occasionally visit from more suitable habitat nearby.
<b>Western mastiff bat</b> <i>Eumops perotis</i>	Has ranged historically throughout much of the southwestern United States and northwestern Mexico. In California, most records are from rocky areas at low elevations where roosting occurs primarily in crevices.	Warmer months	Fed: — State: CSC	<b>High.</b> Roosting sites not present, but foraging animals range widely.
<b>San Diego black-tailed jackrabbit</b> <i>Lepus californicus bennettii</i>	Open country of coastal Southern California and northern Baja California.	Year-round	Fed: — State: CSC	<b>Low.</b> Black-tailed jackrabbits in immediate vicinity probably represent <i>L.c. deserticola</i> of the Mojave Desert.

Species	Habitat and Distribution	Activity/ Blooming Period	Status Designation	Probability of Occurrence
<b>San Joaquin pocket mouse</b> <i>Perognathus inornatus inornatus</i>	Dry grassland and scrub of California's Central Valley.	Year-round	Fed: — State: CSC	<b>Low.</b> Probably outside the subspecies' range.
<b>Pallid San Diego pocket mouse</b> <i>Chaetodipus fallax pallidus</i>	Desert scrub in the southern Mojave and western Colorado Deserts of south-central California.	Year-round	Fed: — State: CSC	<b>Low.</b> Probably outside the subspecies' range.
<b>Southern grasshopper mouse</b> <i>Onychomys torridus ramona</i>	Primarily scrub habitats of southwestern California and northwestern Baja California.	Year-round	Fed: — State: CSC	<b>Moderate.</b> Habitat may be suitable.
<b>San Diego desert woodrat</b> <i>Neotoma lepida intermedia</i>	Frequents poorly vegetated arid lands and is especially associated with cactus patches. Occurs along the Pacific slope from about San Luis Obispo County to northwest Baja California.	Year-round	Fed: — State: CSC	<b>Low.</b> Probably outside the subspecies' range.
<b>Ringtail</b> <i>Bassariscus astutus</i>	Woody and rocky areas of the southwestern United States and most of Mexico.	Year-round	Fed: — State: CFP	<b>Low.</b> Habitat may be unsuitable.
<b>American badger</b> <i>Taxidea taxus</i>	Occurs throughout much of North America. Primary habitat requirements seem to be sufficient food and friable soils in relatively open uncultivated ground in grasslands, woodlands, and desert.	Year-round	Fed: — State: CSA	<b>Low.</b> Habitat may be unsuitable.

## FEDERAL STATUS

- FE Federally listed as Endangered.
- FT Federally listed as Threatened.
- PE Federally proposed as Endangered.
- PT Federally proposed as Threatened.

Note: The United States Fish and Wildlife Service (USFWS) has recently revised its classification system for candidate taxa (species, subspecies, and other taxonomic designations), as described below.

- C Certain species formerly designated as "Category 1" (C1) and a few "Category 2" (C2) candidates for federal listing are now known as "Candidate." Refers to taxa for which the U.S. Fish and Wildlife Service (USFWS) has sufficient information available to support a proposal to list as Endangered or Threatened. Issuance of the proposal(s) is anticipated but precluded at this time.
- \*\* Species formerly designated as "Category 1" (C1) or "Category 2" (C2) candidates for federal listing; not designated presently as "Candidate" species, these C1 and C2 designations have been discontinued by the USFWS. The State now refers to these taxa as "Species of Concern."
- C3a Species considered to be extinct.
- C3b Former federal candidate for listing as Endangered or Threatened but which is not believed by the Service to represent a distinct taxa meeting the Endangered Species Act's definition of a "species." Species taxonomically invalid.
- C3c Former federal candidate for listing as Endangered or Threatened but which has been determined by the Service to be too widespread and/or not threatened at this time.

## STATE STATUS

- CE State listed as Endangered.
- CT State listed as Threatened.
- CR State listed as Rare.
- CFP California Fully Protected. Species legally protected under special legislation enacted prior to the California Endangered Species Act.
- CCE State candidate for listing as Endangered.
- CCT State candidate for listing as Threatened.
- CSC California Species of Special Concern. These are taxa with populations declining seriously or otherwise highly vulnerable to human development.
- CSA Species included on the California Department of Fish and Game's list of "Special Animals" of California. No specific designation assigned.

## **CALIFORNIA NATIVE PLANT SOCIETY LISTING**

- 1A List of plants that are presumed extinct in California.
- 1B List of plants that are considered by the California Native Plant Society (CNPS) to be Rare, Threatened, or Endangered in California and elsewhere.
- 2 List of plants that are considered by CNPS to be Rare, Threatened, or Endangered in California but more common elsewhere.
- 3 CNPS review list of plants suggested for consideration as Endangered but about which more information is needed.
- 4 CNPS watch list of plants of limited distribution, whose status should be monitored.

## APPENDIX B

### PLANT AND ANIMAL SPECIES OBSERVED

Scientific Name	Common Name
<b>Plants</b>	
<i>Ambrosia acanthicarpa</i>	sand-bur
<i>Baccharis salicifolia</i>	mulefat
<i>Chrysothamnus</i> sp.	rabbit brush
<i>Croton setigerus</i>	doveweed
<i>Datura</i> sp.	jimsonweed
<i>Encelia farinosa</i>	brittlebush
<i>Ephedra</i> sp.	mormon tea
<i>Ericameria</i> sp.	goldenbush
<i>Eriogonum</i> spp.	buckwheat
<i>Gutierrezia</i> sp.	matchweed
* <i>Hirschfeldia incana</i>	shortpod mustard
<i>Isomeris arborea</i>	bladderpod
<i>Juniperus californica</i>	California juniper
<i>Larrea tridentata</i>	creosote bush
<i>Lepidium</i> sp.	pepperwort
<i>Olea europaea</i>	olive
<i>Populus</i> sp.	cottonwood
* <i>Salsola tragus</i>	Russian thistle
* <i>Tamarix</i> sp.	tamarix
<i>Yucca brevifolia</i>	Joshua tree
<i>Yucca schidigera</i>	Mohave yucca
Poaceae family	assorted annual grasses
<b>Animals</b>	
<i>Callipepla californica</i>	California quail
<i>Pipilo crissalis</i>	California towhee
<i>Spermophilus beecheyi</i>	California ground squirrel
<i>Sylvilagus audubonii</i>	Audubon's cottontail
Assorted animal burrows	unidentified

# JOSHUA TREE AND NATIVE DESERT VEGETATION PRESERVATION PLAN

TIERRA SUBIDA AVENUE WIDENING

CITY OF PALMDALE, LOS ANGELES COUNTY, CALIFORNIA

Submitted to:

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LSA Project No. PCO0701A

# LSA

September 2009



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- A: JOSHUA TREE ATTRIBUTES AND SURVEY RESULTS
- B: PHOTOGRAPHS OF SURVEYED JOSHUA TREES

## INTRODUCTION

On behalf of the City of Palmdale (City), LSA Associates, Inc. (LSA) has prepared this Joshua Tree and Native Desert Vegetation Preservation Plan (Plan) for the Tierra Subida Avenue Widening Project. The proposed project consists of widening Tierra Subida Avenue from Avenue S to Palmdale Boulevard (approximately 2.2 miles) in the City of Palmdale, Los Angeles County, California (Figure 1).

This Plan is required under Chapter 14.04 of the City Municipal Code (Code) in order to help mitigate impacts to Joshua trees (*Yucca brevifolia*) and California junipers (*Juniperus californica*) as a result of development within the City limits. LSA International Society of Arboriculture (ISA) certified arborist Leo Simone performed the survey and prepared this report. The survey identified 196 junipers and 76 Joshua trees within the study area. No other sensitive plants were observed during the survey of the study area.

## ENVIRONMENTAL SETTING

The study area is located within the United States Geological Survey (USGS) *Ritter Ridge, California* 7.5-minute quadrangle. The study area consists of an envelope around the area of proposed improvements to Tierra Subida Avenue from Avenue S to Palmdale Boulevard. This project involves the widening of Tierra Subida Avenue, which currently exists as a two-lane road throughout much of the project area, to a six-lane road. Additional turn lanes will also be included at intersections, and improvements will be made to roads that intersect Tierra Subida Avenue at the points of intersection. Much of the proposed project area consists of previously developed or disturbed land (i.e., roadways, road shoulders, ranch roads, and other developed land); however, there are significant areas of vegetation (i.e., Mojave mixed woody scrub, Mojave mixed woody scrub/Mojavean juniper woodland scrub, and ruderal) that will be impacted. There is open habitat to the east and west of the project site, but it is fragmented by Tierra Subida Avenue, Avenue S, the Antelope Valley Freeway (State Route 14 [SR-14]), the California aqueduct, and a landfill.

The soil types range from shallow, rocky, gravelly soil to sandy alluvium. Some evidence of dumping, off-highway vehicle use, and target shooting was observed. Adjacent land uses include residential housing, commercial mixed-use, a nearby landfill, and undeveloped land.

## METHODS

LSA senior biologist/ISA certified arborist Leo Simone (ISA Certificate No. WE-8491A) surveyed an area of approximately 150 feet (ft) extending from either side of the centerline of Tierra Subida Avenue from Avenue S to Palmdale Boulevard on March 5 and 6, 2009. The proposed project site was surveyed on foot by walking 50 ft (approximate) transects parallel to Tierra Subida Avenue. All Joshua trees observed were inventoried using a global positioning system (GPS) unit. Joshua trees were judged as transplantable or nontransplantable based on a variety of attributes. Joshua trees were considered unsuitable for transplantation if the following applied:

- Infested by borers and/or beetles
- An immature sapling (less than 3 ft tall)

Figure 1: Project Location Map

- Overcircumference (trunk circumference greater than 40 inches at 1 ft above ground)
- Overtall (greater than 20 ft)
- Overbalanced (tree leaning severely or limbs all on one side)
- Incompatible with the spade (corm area greater than 6 square feet)
- Overmature (limbs drooping or fallen to the ground)
- Standing dead
- A dependent clone (a nontransplantable clone less than 4 ft tall and more than 3 ft from the parent tree)
- Down live (on the ground yet still living)

Diseased trees were also considered unsuitable for transplant.

Appendix A presents the results of the survey, including individual tree coordinates and attributes; Appendix B presents photographs of each Joshua tree surveyed; and Figure 2 illustrates these results on an aerial photograph.

## RESULTS

As stated above, 196 junipers and 76 Joshua trees are located within the study area. The locations of the trees are shown on Figure 2.

### California Junipers

The juniper trees within the study area are mostly mature arborescent shrubs between 8 and 12 ft tall. They appear to be healthy individuals and do not show signs of root or trunk damage. The estimation of the age of juniper trees based on height depends greatly on local conditions (e.g., soil type, hydrology, slope, aspect, elevation). According to the United States Department of Agriculture Forest Service (Forest Service) data, California junipers grow between 2 and 4 inches per year. Based on their height, the juniper trees within the grading area are likely to be between 30 and 70 years old.

### Joshua Trees

A total of 76 Joshua trees were inventoried within the study area. Of those trees, 30 are suitable for transplant and salvage efforts. Appendix A lists the Joshua tree attributes that were used to evaluate a tree for transplanting and presents the results of the survey, including the identification number of the tree and Joshua trees suitable or not suitable for transplanting. If the Joshua tree was determined to be not suitable for transplanting, then an attribute for that determination is also shown. Appendix B presents photographs of each of the Joshua trees.

It is very difficult to determine the age of Joshua trees, and the estimation of growth rate varies greatly among experts; estimates vary between 1.5 and 10 centimeters (cm) per year. Actual Joshua tree growth rates, like those of California juniper, depend greatly on local conditions (e.g., soil type, hydrology, slope, aspect, elevation).

Figure 2: Site Plan

## Other Native Vegetation

The study area also contains Mojave Mixed Woody Scrub/Mojavean Juniper Woodland Scrub. No sensitive species were detected during survey of the study area.

## PRESERVATION MEASURES

Per the Code (Section 14.04.060.A.1), a minimum of two Joshua trees or California junipers shall be preserved per gross acre covered by the development application. At this time, the final grading limits for the project have not been finalized. All practicable measures will be taken to retain as many of these species as possible within the project grading limits. California junipers do not transplant well, so those that cannot be preserved through the duration of the grading process will be removed. Joshua trees transplant with a reasonably high rate of success when transplantation is performed correctly. Other shrubs on site may be transplanted if so desired; however, it is not required, and success may be marginal depending on the method used.

Because California junipers do not transplant well, junipers will not be transplanted. Junipers that will be preserved in place should be fenced during construction and avoided during the grading process.

The optimal time of year for Joshua tree transplantation is in the cool season (i.e., fall or spring); excessive cold or heat may be detrimental to transplantation success. A qualified tree mover with a successful track record of Joshua tree transplantation shall use a large tree spade truck to move the trees. Joshua trees that will be transplanted shall be prewatered 24 hours in advance of their removal. Slowly soaking the soil around the trees softens the soil around the root ball and lubricates the area, making it easier for the tree spade to reach full depth with minimal disturbance of the root ball, thus maximizing the root and soil material that is harvested intact. The more root mass and soil that is harvested intact, the higher the likelihood of success. The receiver hole shall be excavated with the tree spade prior to extraction of the transplant tree, and the receiver hole shall be thoroughly irrigated. The tree shall be placed in the receiver hole at the same north-south orientation as it was in its original location to prevent sunscald. After placement in the new location, the soil around the tree shall be tamped to eliminate air spaces, and a 2- to 3-inch-high hand-compacted earthen ring shall be formed just outside diameter of the planting hole to form a watering basin. The tree will then be thoroughly deep-watered.

The tree mover will need to water the Joshua trees carefully in order to avoid causing the trees to topple over due to saturated soil or root rot. Following the initial watering at the time of transplantation, the trees should be deep-watered by laying the hose within the watering basin and running it at a slow trickle for several hours. Larger trees need deeper watering with less frequency than small trees. For example, tall, full-size Joshua trees should be watered with approximately 30–50 gallons over several hours. Irrigation of smaller trees should be reduced accordingly; smaller trees may only require 20 gallons per small group over a 2-hour period. The soil surrounding the trees should be allowed to dry out between watering.

The following guidelines for irrigation frequency should be followed (with allowances made for natural rainfall):

## **Year One**

- Large trees: once every 2 weeks in the winter and once per week in the summer.
- Small trees: once per week in the winter and twice per week in the summer.
- During the winter: simulate rainfall during watering events by showering the trees from above for several minutes. (Do not spray directly or forcefully.) This may not be necessary in normal rainfall years.

## **Year Two**

- Large trees: once per month in the winter and once every 2 weeks in the summer.
- Small trees: once every 2 weeks in the winter and once per week in the summer.
- During the winter: simulate rainfall during watering events by showering the trees from above for several minutes. (Do not spray directly or forcefully.) This may not be necessary in normal rainfall years.

Following these guidelines does not guarantee that the trees will survive. General observations should be made regarding the establishment of the trees. Common sense and landscaping experience are valuable tools and should not be ignored. If plants appear to be stressed (either too much or too little water), the watering regime should be adjusted. Any diseases or structural changes (e.g., leaning or sagging) should be noted. The trees will be assessed by LSA or another desert native plant expert selected by the City on a periodic basis; further guidance or remedial measures may be suggested at that time. Staff conducting the irrigation activities will be on site more frequently and may be able to make important observations regarding tree health.

## **DESERT NATIVE PLANT EXPERT/ARBORIST CONTACT**

Photographs, observations, or questions regarding the health or establishment of the trees should be directed to LSA (contact information provided below) or another designated desert native plant expert.

LSA Associates, Inc.  
Attn: Leo Simone or Blake Selna  
20 Executive Park, Suite 200  
Irvine, CA 92614

(949) 553-0666  
Leo.Simone@lsa-assoc.com  
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## APPENDIX A

### JOSHUA TREE ATTRIBUTES AND SURVEY RESULTS



## APPENDIX A

### JOSHUA TREE ATTRIBUTES AND SURVEY RESULTS

ID No.	UTM Coordinate	Transplant	B	I	OC	L	OT	OB	IS	OM	DS	DC	DL	Other
1	0395438 3825357	No	Yes	No	Yes	Yes	Yes	No	Yes	Yes	No	No	No	
2	0395438 3825356	Yes	No	No	No	No	No	No	No	No	No	No	No	Active cactus wren nest
3	0395437 3825357	No	Yes	No	Yes	Yes	No	No	Yes	No	No	No	No	
4	0395440 3825355	Yes	No	No	No	No	No	No	No	No	No	No	No	
5	0395441 3825353	No	Yes	No	No	No	No	No	No	No	No	No	No	Significant rot and bore damage
6	0395441 3825353	Yes	No	No	No	No	No	No	No	No	No	No	No	
7	0395442 3825353	No	No	Yes	No	No	No	No	No	No	No	No	No	
8	0395442 3825353	No	No	Yes	No	No	No	No	No	No	No	No	No	
9	0395450 3825351	Yes	No	No	No	No	No	No	No	No	No	No	No	
10	0395458 3825351	Yes	No	No	No	No	No	No	No	No	No	No	No	
11	0395456 3825352	Yes	No	No	No	No	No	No	No	No	No	No	No	
12	0395436 3825353	Yes	No	No	No	No	No	No	No	No	No	No	No	
13	0395433 3825352	Yes	No	No	No	No	No	No	No	No	No	No	No	
14	0395432 3825352	Yes	No	No	No	No	No	No	No	No	No	No	No	

ID No.	UTM Coordinate	Transplant	B	I	OC	L	OT	OB	IS	OM	DS	DC	DL	Other
15	0395432 3825351	No	No	No	No	No	No	Yes	No	No	No	Yes	No	
16	0395433 3825351	No	No	No	No	No	No	Yes	No	No	No	No	No	
17	0395433 3825350	Yes	No	No	No	No	No	No	No	No	No	No	No	
18	0395433 3825350	Yes	No	No	No	No	No	No	No	No	No	No	No	
19	0395433 3825351	No	No	No	No	No	No	Yes	No	No	No	No	No	
20	0395437 3825350	No	No	No	No	No	No	Yes	No	No	No	No	No	
21	0395435 3825346	Yes	No	No	No	No	No	No	No	No	No	No	No	
22	0395424 3825327	No	No	Yes	No	No	No	No	No	No	No	No	No	
23	0395426 3825327	Yes	No	No	No	No	No	No	No	No	No	No	No	
24	0395426 3825328	No	No	Yes	No	No	No	No	No	No	No	No	No	
25	0395424 3825329	Yes	No	No	No	No	No	No	No	No	No	No	No	
26	0395426 3825329	No	No	Yes	No	No	No	No	No	No	No	No	No	
27	0395426 3825329	No	No	Yes	No	No	No	No	No	No	No	No	No	
28	0395353 3825914	No	No	No	Yes	No	Yes	No	Yes	Yes	No	No	No	
29	0395502 3825977	No	No	Yes	No	No	No	No	No	No	No	No	No	
30	0395502 3825977	No	No	Yes	No	No	No	No	No	No	No	No	No	
31	0395504 3825976	Yes	No	No	No	No	No	No	No	No	No	No	No	
32	0395504 3825974	Yes	No	No	No	No	No	No	No	No	No	No	No	

ID No.	UTM Coordinate	Transplant	B	I	OC	L	OT	OB	IS	OM	DS	DC	DL	Other
33	0395505 3825969	Yes	No	No	No	No	No	No	No	No	No	No	No	
34	0395505 3825969	No	Yes	No	No	No	No	No	No	No	Yes	No	No	
35	0395425 3826099	No	No	No	Yes	No	Yes	No	Yes	Yes	No	No	No	Active cactus wren nest
36	0395454 3825928	No	Yes	No	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Active cactus wren nest
37	0395454 3825928	Yes	No	No	No	No	No	No	No	No	No	No	No	
38	0395454 3825926	No	No	Yes	No	No	No	No	No	No	No	No	No	
39	0395454 3825926	No	No	Yes	No	No	No	No	No	No	No	No	No	
40	0395454 3825928	Yes	No	No	No	No	No	No	No	No	No	No	No	
41	0395454 3825929	Yes	No	No	No	No	No	No	No	No	No	No	No	
42	0395455 3825931	Yes	No	No	No	No	No	No	No	No	No	No	No	
43	0395455 3825931	Yes	No	No	No	No	No	No	No	No	No	No	No	
44	0395456 3825929	No	No	Yes	No	No	No	No	No	No	No	No	No	
45	0395477 3825886	No	Yes	No	No	No	Yes	No	No	Yes	No	No	No	Active cactus wren nest
46	0395478 3825883	No	Yes	No	No	Yes	No	Yes	No	No	No	No	No	
47	0395477 3825885	No	Yes	No	No	Yes	No	Yes	No	No	No	No	No	
48	0395478 3825887	Yes	No	No	No	No	No	No	No	No	No	No	No	
49	0395479 3825883	No	No	No	No	Yes	No	Yes	No	No	No	No	No	
50	0395481 3825889	Yes	No	No	No	No	No	No	No	No	No	No	No	Active cactus wren nest

ID No.	UTM Coordinate	Transplant	B	I	OC	L	OT	OB	IS	OM	DS	DC	DL	Other
51	0395474 3825888	No	No	No	No	No	Yes	No	No	No	No	No	No	
52	0395474 3825890	No	No	No	No	Yes	No	Yes	No	No	No	No	No	
53	0395474 3825887	No	Yes	No	No	No	No	No	No	No	No	No	No	Significant rot and bore damage
54	0395474 3825889	No	No	No	No	Yes	No	Yes	No	No	No	No	No	
55	0395473 3825891	No	No	No	No	Yes	No	Yes	No	No	No	No	No	
56	0395473 3825892	Yes	No	No	No	No	No	No	No	No	No	No	No	
57	0395472 3825888	Yes	No	No	No	No	No	No	No	No	No	No	No	
58	0395469 3825888	No	No	No	No	Yes	Yes	No	No	No	No	No	No	
59	0395473 3825886	Yes	No	No	No	No	No	No	No	No	No	No	No	
60	0395474 3825883	No	No	No	No	Yes	Yes	No	No	No	No	No	No	
61	0395473 3825884	No	No	No	No	Yes	Yes	No	No	No	No	No	No	
62	0395473 3825883	Yes	No	No	No	No	No	No	No	No	No	No	No	
63	0395472 3825887	No	No	No	Yes	No	Yes	No	Yes	No	No	No	No	
64	0395472 3825889	Yes	No	No	No	No	No	No	No	No	No	No	No	
65	0395474 3825883	No	No	No	No	No	Yes	Yes	No	Yes	No	No	No	
66	0395473 3825883	No	No	No	No	No	No	No	Yes	No	No	No	No	
67	0395476 3825881	No	No	No	Yes	No	No	Yes	Yes	No	No	No	No	
68	0395476 3825884	No	No	No	Yes	No	No	Yes	Yes	No	No	No	No	

ID No.	UTM Coordinate	Transplant	B	I	OC	L	OT	OB	IS	OM	DS	DC	DL	Other
69	0395473 3825885	No	No	No	No	No	No	Yes	No	No	No	No	No	
70	0395478 3825880	No	Yes	No	No	No	Yes	No	No	Yes	No	No	No	Significant rot and bore damage
71	0395479 3825886	Yes	No	No	No	No	No	No	No	No	No	No	No	
72	0395481 3825884	No	No	No	No	Yes	No	Yes	No	No	No	No	No	
73	0395479 3825882	No	No	No	Yes	No	No	Yes	Yes	Yes	No	No	No	
74	0395481 3825884	No	No	No	No	No	No	Yes	No	No	No	No	No	
75	0395481 3825884	No	No	No	No	Yes	No	Yes	No	No	No	No	No	
76	0395479 3825885	Yes	No	No	No	No	No	No	No	No	No	No	No	

B = Beetles

DC = Dependent clone

DL = Down live

DS = Dead standing

I = Immature

IS = Incompatible with spade

L = Limbs lower than 8 feet

OB = Overbalanced

OC = Overcircumference (at 1 foot above ground)

OM = Overmature

OT = Overtall (> 15 feet)

UTM = Universal Transverse Mercator

## **APPENDIX B**

photographs of Surveyed Joshua Trees

June 19, 2009

Mike Livingston  
City of Palmdale, Public Works  
38300 Sierra Highway  
Palmdale, California 93550

Subject: Focused Special-Interest Plants Survey Report, Tierra Subida Avenue Widening Project, Palmdale, California

Dear Mr. Livingston:

At the request of the City of Palmdale (City), LSA Associates, Inc. (LSA) is providing you with this focused special-interest plant survey with emphasis on the white-bracted spineflower (*Chorizanthe xanti* var. *leucotheca*) pertaining to the proposed Tierra Subida Avenue Widening Project, which consists of widening Tierra Subida Avenue from Avenue S to Palmdale Boulevard (approximately 2.2 miles) in the City of Palmdale, Los Angeles County, California. The study area is located within the United States Geological Survey (USGS) *Ritter Ridge, California* 7.5-minute quadrangle (Figure 1; figure and appendices attached). The study area consists of an envelope around the area of proposed improvements to Tierra Subida Avenue from Avenue S to Palmdale Boulevard.

The primary purpose of this focused survey was to determine the existence or potential for any white-bracted spineflower, a California Native Plant Society (CNPS) List 1B.2 species, and other special-interest plants to occur on the project site. This report presents the results of the focused site survey, including the methods used, a brief description of the existing site conditions, and findings regarding white-bracted spineflower. White-bracted spineflower was not observed on site during the focused surveys.

## METHODS

On April 15, 2009, and May 28, 2009, LSA biologists Leo Simone and Matt Willis conducted focused surveys for white-bracted spineflower within the project study area. The surveys were conducted within the limits of the study area in an area of approximately 150 feet (ft) extending from either side of the centerline of Tierra Subida Avenue from Avenue S to Palmdale Boulevard (Appendix A). The proposed project site was surveyed on foot by walking approximate 25 ft transects.

## ENVIRONMENTAL SETTING

This project involves the widening of Tierra Subida Avenue, which currently exists as a two-lane road throughout much of the project area, to a six-lane road. Additional turn lanes will also be included at intersections, and improvements will be made to roads that intersect Tierra Subida Avenue at the points of intersection. Much of the proposed project area consists of previously developed or disturbed land (i.e. roadway, road shoulder, ranch roads, and other developed land); however, there are significant areas of vegetation (i.e., Mojave mixed woody scrub, Mojave mixed

woody scrub/Mojavean juniper woodland scrub, and ruderal) that will be impacted. There is open habitat to the east and west of the project site, but it is fragmented by Tierra Subida Avenue, Avenue S, the Antelope Valley Freeway (State Route 14), the California aqueduct, and a landfill (Figure 1). The elevation of the study area ranges from approximately 2,600 to 3,000 ft.

The soil types range from shallow, rocky, gravelly soil to sandy alluvium. Some evidence of dumping, off-highway vehicle use, and target shooting was observed. Adjacent land uses include residential housing, commercial mixed-use, a nearby landfill, and undeveloped land.

White-bracted spineflower, when present, is associated with Mojavean desert scrub, creosote bush scrub, and pinyon-juniper woodland. The species is generally found in large barren openings in old growth Riversidean/Mojavean alluvial scrub/woodland on stream in silt with some gravel and on stabilized alluvial benches with infill of fines. White-bracted spineflower is often associated with California juniper (*Juniperus californica*), our Lord's candle (*Yucca whipplei*), and Nevada jointfir (*Ephedra nevadensis*).

White-bracted spineflower or any other special status plant species were not observed within the study area. Species of all plants observed were noted and are presented in Appendix B.

If LSA can be of further assistance regarding this or other biological issues with the project, or if you have any questions concerning the contents of this letter report, please feel free to contact me at (949) 553-0666.

Sincerely,

LSA ASSOCIATES, INC.



Leo Simone  
Senior Biologist

Attachments:   References  
                  Figure 1: Project Location Map  
                  Appendix A: Survey Area  
                  Appendix B: Plant Species Observed



## REFERENCES

Hickman, J.C., ed. 1993. *The Jepson Manual: Higher Plants of California*. University of California Press. 1,400 pp.

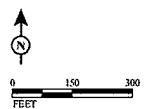
LSA Associates, Inc. 2007. *Biota Report, Tierra Subida Avenue Widening*.

Sawyer, J.O. and T. Keeler-Wolf. 1995. *A Manual of California Vegetation*. California Native Plant Society. Sacramento, California.

**APPENDIX A**  
**SURVEY AREA**



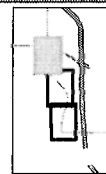
LSA



SOURCE: DigitalGlobe (4/08); JE Jacobs (3/07)  
I:\PC060601\GIS\SurveyArea.mxd (9/17/2009)

LEGEND

- |               |  |
|---------------|--|
| Study Limits  | Mojave Mixed Woody Scrub                                 |
| Habitat Types | Mojave Mixed Woody Scrub/Mojavean Juniper Woodland Scrub |
| Developed     | Ruderal  |
| Disturbed     |  |

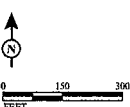


APPENDIX A  
Sheet 1 of 3

Tierra Subida Avenue Widening  
Survey Area



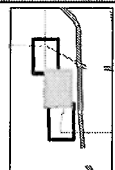
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SOURCE: DigitalGlobe (4/08); JE Jacobs (3/07)  
I:\PC00601\GIS\SurveyArea.mxd (9/17/2009)

LEGEND

- |               |  |
|---------------|--|
| Study Limits  | Mojave Mixed Woody Scrub                                 |
| Habitat Types | Mojave Mixed Woody Scrub/Mojavean Juniper Woodland Scrub |
| Developed     | Ruderal  |
| Disturbed     |  |



APPENDIX A  
Sheet 2 of 3

Tierra Subida Avenue Widening  
Survey Area





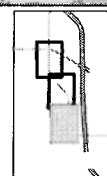
LSA



SOURCE: DigitalGlobe (4/08); JE Jacobs (3/07)  
F:\PC00601\GIS\SurveyArea.mxd (9/17/2009)

# LEGEND

	Study Limits		Mojave Mixed Woody Scrub
	Habitat Types		Mojave Mixed Woody Scrub/Mojavean Juniper Woodland Scrub
	Developed		Ruderal
	Disturbed		



APPENDIX A  
Sheet 3 of 3

Tierra Subida Avenue Widening  
Survey Area

## APPENDIX B

### PLANT SPECIES OBSERVED

Scientific Name	Common Name
<b>PLANTS</b>	
<b>ANGIOSPERMAE: DICOTYLEDONAE</b>	<b>DICOT FLOWERING PLANTS</b>
<b>Anacardiaceae</b>	<b>Sumac family</b>
<i>Schinus molle</i> *	Peruvian pepper tree
<b>Apocynaceae</b>	<b>Dogbane family</b>
<i>Nerium oleander</i> *	Oleander
<b>Asclepiadaceae</b>	<b>Milkweed family</b>
<i>Asclepias speciosa</i>	Showy milkweed
<b>Asteraceae</b>	<b>Sunflower family</b>
<i>Ambrosia acanthicarpa</i>	Annual bur-sage
<i>Ambrosia dumosa</i>	White bur-sage
<i>Ambrosia salsola</i>	Burrobrush
<i>Artemisia tridentata</i>	Big sagebrush
<i>Baccharis salicifolia</i>	Mule fat
<i>Chaenactis fremontii</i>	Fremont chaenactis
<i>Chaenactis glabriuscula</i>	Yellow pincushion
<i>Chrysothamnus nauseosus</i>	Rubber rabbitbrush
<i>Chrysothamnus viscidiflorus</i>	Yellow rabbitbrush
<i>Conyza canadensis</i>	Canadian horseweed
<i>Coreopsis bigelovii</i>	Bigelow's coreopsis
<i>Corethrogyne filaginifolia</i>	California aster
<i>Encelia actoni</i>	Acton's encelia
<i>Encelia farinosa</i>	Brittlebush
<i>Ericameria linearifolia</i>	Interior goldenbush
<i>Eriophyllum confertiflorum</i>	Golden yarrow
<i>Eriophyllum pringlei</i>	Pringle's woolly sunflower
<i>Eriophyllum wallacei</i>	Wallace's woolly daisy
<i>Gutierrezia sarothrae</i>	San Joaquin matchweed
<i>Lactuca serriola</i> *	Prickly lettuce
<i>Lasthenia gracilis</i>	Needle goldfields
<i>Layia glandulosa</i>	Whitedaisy tidytips
<i>Layia platyglossa</i>	Coastal tidytips
<i>Lessingia lemmonii</i>	Lemmon's lessingia
<i>Logfia depressa</i>	Dwarf cottonrose
<i>Logfia filaginoides</i>	California cottonrose
<i>Malacothrix glabrata</i>	Desert dandelion
<i>Matricaria discoidea</i> *	Disc mayweed
<i>Pluchea odorata</i>	Sweetscent
<i>Senecio flaccidus</i>	Shrubby butterweed
<i>Stephanomeria exigua</i>	Small wreath-plant
<i>Stephanomeria pauciflora</i>	Wire-lettuce
<i>Uropappus lindleyi</i>	Silver puffs

ANGIOSPERMAE: DICOTYLEDONAE	DICOT FLOWERING PLANTS continued
<b>Boraginaceae</b>	<b>Borage family</b>
<i>Amsinckia menziesii</i>	Common fiddleneck
<i>Amsinckia tessellata</i>	Devil's lettuce
<i>Cryptantha angustifolia</i>	Panamint cryptantha
<i>Cryptantha micrantha</i>	Redroot cryptantha
<i>Cryptantha</i> sp.	Cryptantha
<i>Heliotropium curassavicum</i>	Salt heliotrope
<i>Pectocarya linearis</i>	Slender pectocarya
<i>Pectocarya penicillata</i>	Winged pectocarya
<i>Pectocarya setosa</i>	Moth combseed
<i>Plagiobothrys arizonicus</i>	Arizona popcornflower
<i>Plagiobothrys</i> sp.	Popcornflower
<b>Brassicaceae</b>	<b>Mustard family</b>
<i>Brassica tournefortii</i> *	Sahara mustard
<i>Capsella bursa-pastoris</i> *	Shepherd's purse
<i>Descurainia pinnata</i>	Western tansymustard
<i>Hirschfeldia incana</i> *	Shortpod mustard
<i>Lepidium fremontii</i>	Peppergrass
<i>Sisymbrium altissimum</i> *	Tall tumbledmustard
<i>Sisymbrium orientale</i> *	Indian hedgemustard
<i>Stanleya pinnata</i>	Desert princesplume
<i>Tropidocarpum gracile</i>	Dobie pod
<b>Cactaceae</b>	<b>Cactus family</b>
<i>Cylindropuntia echinocarpa</i>	Silver cholla
<b>Capparaceae</b>	<b>Caper family</b>
<i>Isomeris arborea</i>	Bladderpod
<b>Caprifoliaceae</b>	<b>Honeysuckle family</b>
<i>Sambucus mexicana</i>	Blue elderberry
<b>Chenopodiaceae</b>	<b>Saltbush family</b>
<i>Atriplex canescens</i>	Fourwing saltbush
<i>Chenopodium californicum</i>	California goosefoot
<i>Krascheninnikovia lanata</i>	Winter fat
<i>Salsola tragus</i> *	Russian thistle
<b>Cucurbitaceae</b>	<b>Gourd family</b>
<i>Marah macrocarpus</i>	Cucamonga manroot
<b>Cuscutaceae</b>	<b>Dodder family</b>
<i>Cuscuta</i> sp.	Dodder
<b>Euphorbiaceae</b>	<b>Spurge family</b>
<i>Chamaesyce albomarginata</i>	Rattlesnake weed
<i>Croton californicus</i>	California croton
<i>Croton setigerus</i>	Dove weed
<i>Eriastrum eremicum</i>	Desert eriastrum
<b>Fabaceae</b>	<b>Pea family</b>
<i>Astragalus douglasii</i> var. <i>douglasii</i>	Douglas' milkvetch
<i>Lotus scoparius</i>	Deerweed
<i>Lotus strigosus</i>	Strigose lotus
ANGIOSPERMAE: DICOTYLEDONAE	DICOT FLOWERING PLANTS continued

<i>Lupinus bicolor</i>	Miniature lupine
<i>Lupinus concinnus</i>	Bajada lupine
<i>Lupinus sparsiflorus</i>	Coulter's lupine
<i>Trifolium albopurpureum</i>	Rancheria clover
<i>Trifolium willdenovii</i>	Valley clover
<b>Geraniaceae</b>	<b>Geranium family</b>
<i>Erodium cicutarium</i> *	Redstem stork's bill
<b>Hydrophyllaceae</b>	<b>Waterleaf family</b>
<i>Emmenanthe penduliflora</i>	Whispering bells
<i>Phacelia distans</i>	Distant phacelia
<i>Phacelia tanacetifolia</i>	Tansy phacelia
<i>Pholistoma membranaceum</i>	White fiesta flower
<b>Lamiaceae</b>	<b>Mint family</b>
<i>Salazaria mexicana</i>	Bladder sage
<i>Salvia columbariae</i>	Chia
<i>Salvia dorrii</i>	Blue sage
<b>Loasaceae</b>	<b>Loasa family</b>
<i>Mentzelia albicaulis</i>	White blazing star
<i>Mentzelia veatchiana</i>	Veatch's blazingstar
<b>Nyctaginaceae</b>	<b>Four-o'clock family</b>
<i>Mirabilis laevis</i>	Wishbone bush
<b>Oleaceae</b>	<b>Olive family</b>
<i>Olea europaea</i> *	European olive
<b>Onagraceae</b>	<b>Evening primrose family</b>
<i>Camissonia</i> sp.	Camissonia
<i>Camissonia</i> c.f. <i>palmeri</i>	Palmer evening-primrose
<b>Papaveraceae</b>	<b>Poppy family</b>
<i>Eschscholzia californica</i>	California poppy
<b>Polemoniaceae</b>	<b>Phlox family</b>
<i>Eriastrum densifolium</i>	Woolly-star
<i>Eriastrum sapphirinum</i>	Sapphire woolly-star
<i>Gilia latiflora</i> ssp. <i>davyi</i>	Hollyleaf gilia
<i>Gilia</i> spp.	Gilia
<b>Polygonaceae</b>	<b>Buckwheat family</b>
<i>Chorizanthe staticoides</i>	Turkish rugging
<i>Eriogonum fasciculatum</i>	California buckwheat
<i>Eriogonum</i> sp. ( <i>E. angulosum</i> group)	Annual buckwheat (anglestem buckwheat group)
<i>Eriogonum</i> spp.	Annual buckwheat
<i>Oxytheca pefoliata</i>	Round-leaf puncturebract
<i>Rumex crispus</i> *	Curly dock
<b>Salicaceae</b>	<b>Willow family</b>
<i>Populus fremontii</i>	Western cottonwood
<b>Solanaceae</b>	<b>Nightshade family</b>
<i>Datura wrightii</i>	Jimsonweed
<i>Lycium andersonii</i>	Anderson's desert thorn
<i>Lycium cooperi</i>	Peach thorn
<b>ANGIOSPERMAE: DICOTYLEDONAE</b>	<b>DICOT FLOWERING PLANTS continued</b>
<b>Tamaricaceae</b>	<b>Tamarisk family</b>



<i>Tamarix</i> sp.*	Tamarisk
<b>Zygophyllaceae</b>	<b>Caltrop family</b>
<i>Larrea tridentata</i>	Creosote bush
<b>ANGIOSPERMAE: MONOCOTYLEDONAE</b>	<b>MONOCOT FLOWERING PLANTS</b>
<b>Liliaceae</b>	<b>Lily family</b>
<i>Calochortus kennedyi</i>	Desert mariposa lily
<i>Dichelostemma capitatum</i>	Blue dicks
<i>Muilla maritima</i>	Common muilla
<i>Yucca brevifolia</i>	Joshua tree
<i>Yucca schidigera</i>	Mohave yucca
<i>Yucca whipplei</i>	Our Lord's candle
<b>Poaceae</b>	<b>Grass family</b>
<i>Achnatherum speciosum</i>	Desert needlegrass
<i>Avena fatua</i> *	Wild oat
<i>Bromus diandrus</i> *	Ripgut brome
<i>Bromus madritensis</i> *	Foxtail chess
<i>Bromus tectorum</i> *	Cheatgrass
<i>Cynodon dactylon</i> *	Bermuda grass
<i>Hordeum murinum</i> *	Hare barley
<i>Nassella pulchra</i>	Purple needlegrass
<i>Poa secunda</i>	Sandberg bluegrass
<i>Schismus barbatus</i> *	Common Mediterranean grass
<i>Vulpia myuros</i> *	Rat-tail fescue

June 16, 2009

Mike Livingston  
City of Palmdale  
Public Works Department  
38300 Sierra Highway  
Palmdale, California 93550

Subject: Tierra Subida Avenue Widening Project: Results of Burrowing Owl Focused Survey

Dear Mr. Livingston:

This letter report serves to document the results of focused surveys for the western burrowing owl (*Athene cunicularia hypugea*) conducted by LSA Associates, Inc. (LSA) at the proposed project, which consists of widening Tierra Subida Avenue from Avenue S to Palmdale Boulevard (approximately 2.2 miles) in the City of Palmdale, Los Angeles County, California. The study area is located within the United States Geological Survey (USGS) *Ritter Ridge, California* 7.5-minute quadrangle (attached Figure 1). The study area consists of an envelope around the area of proposed improvements to Tierra Subida Avenue from Avenue S to Palmdale Boulevard.

No burrowing owls were detected during the April through May 2009 focused surveys for this species.

## BURROWING OWL BACKGROUND

The western burrowing owl is a small ground-dwelling owl with a round head that lacks the feather tufts on the head typical of other owls. It has white eyebrows, yellow eyes, and long stilt-like legs. The owl is sandy-colored on the head, back, and upper parts of the wings and white-to-cream with barring on the breast and belly. Unlike most owls, the male is slightly larger than the female, and the females are usually darker than the males.

Burrowing owls are found in open, dry grasslands; agricultural and range lands; and desert habitats often associated with burrowing animals. They can also inhabit grass, forb, and shrub stages of pinyon and ponderosa pine habitats. The owl can be found at elevations ranging from 200 feet (ft) below sea level to 9,000 ft above sea level (asl). In California, the highest elevation where this species can be found is 5,300 ft asl in Lassen County. The owl commonly perches on fence posts or on top of mounds outside its burrow. These owls can be found at the margins of airports and golf courses and in vacant urban lots. They are active day and night but are usually less active in the peak of day.

Burrowing owls tend to be opportunistic feeders. Large arthropods, mainly beetles and grasshoppers, comprise a large portion of their diet. Small mammals, especially mice, rats, gophers, and ground squirrels, are also important food items. Other prey animals include reptiles and amphibians; scorpions; young cottontail rabbits; bats; and birds, such as sparrows and horned larks. Consumption of insects increases during the breeding season. Burrowing owls are primarily crepuscular (active at dusk and dawn), but will hunt throughout a 24-hour period.

As their name suggests, burrowing owls nest in burrows in the ground, often in old ground squirrel burrows or badger dens. They can dig their own burrows, but prefer deserted excavations of other animals. They are also known to use artificial burrows, such as pipes, concrete debris piles, or rock outcrops.

Burrowing owl nesting season begins between February and April and lasts until the end of August. The peak of the nesting season is from April 15 to July 15. The owls often line their nests with an assortment of dry materials. Adults usually return to the same burrow or a nearby area each year.

One or more "satellite" burrows can usually be found near the nest burrow and are used by adult males during the nesting period and by juvenile owls for a few weeks after they emerge from the nest. The female will lay 6 to 9 (sometimes up to 12) white eggs a day apart, which are incubated for 28 to 30 days by the female only. The male brings food to the female during incubation and stands guard near the burrow by day. At 14 days of age, the young may be seen roosting at the entrance to the burrow, waiting for the adults to return with food. The young leave the nest at about 44 days of age and begin chasing live insects at between 49 and 56 days old.

The western burrowing owl is found in western North America from Canada to Mexico and east to Texas and Louisiana. In certain areas of its range it is migratory (in the northern areas of the Great Plains and Great Basin). Although the burrowing owls in northern California are thought to migrate, owls within central and southern California are predominantly nonmigratory.

The burrowing owl is protected by international treaty under the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711) and is protected under Sections 3503 and 3800 of the California Fish and Game Code. Sections 3503, 3503.5, and 3800 of the California Fish and Game Code prohibit the take, possession, or destruction of birds, their nests, or eggs. When the owl is present on a specific property, implementation of the take provisions requires that project-related disturbance at active nesting territories be reduced or eliminated during critical phases of the nesting cycle (February 1–August 31 annually).

## METHODS

LSA biologists conducted the surveys in accordance with the recommendations of the California Department of Fish and Game (CDFG) internal memo (CDFG 1995). Because LSA biologists did not have permission to access adjacent properties, the survey did not include the 500 ft zone of influence transects outside the property suggested by the protocol.

The habitat assessment (Phase I and Phase II) was conducted by LSA senior biologist Leo Simone on March 5 and 6, 2009, in order to determine locations of fossorial mammal burrows and/or burrows with burrowing owl sign (e.g., individuals, feathers, pellets, whitewash, insect remains) or areas with the potential for the owls to inhabit (i.e., drainage pipes 4–24 inches in diameter, other holes 4–24 inches in diameter, or concrete refuse piles) within the project area. The surveys were conducted within the limits of the study area in an area of approximately 150 ft extending from either side of the centerline of Tierra Subida Avenue from Avenue S to Palmdale Boulevard on March 5 and 6, 2009 (Appendix A). The proposed project site was surveyed on foot by walking 50 ft (approximate) transects.

All observed burrows that had the potential to be used by burrowing owl were inventoried using a global positioning system (GPS) unit. The Phase III breeding season surveys were conducted between April 15 and May 29, 2009, by LSA biologists Leo Simone and Matt Willis (Table A).

**Table A: Focused Survey Dates and Weather Conditions**

Survey	Date	Time (24-Hour) start/finish	Temp. (°F) start/finish	Wind (mph) start/finish	Weather Conditions (i.e., % cloud cover) start/finish
Phase III Survey					
1	4/15/2009	1730/2010	55/48	15/10	25% cloud/clear
2	4/16/2009	0530/0815	45/60	5/10	25% cloud/10% cloud
3	5/28/2009	1815/2030	68/65	5/5	clear/clear
4	5/29/2009	0515/0745	55/70	calm/calm	clear/clear

°F = Fahrenheit

mph = miles per hour

In accordance with the recommendations of The California Burrowing Owl Consortium, Santa Cruz Predatory Bird Research Group Burrowing Owl Survey Protocol (1993), and the CDFG internal memo (February 1995), observations were made from fixed locations on site and within binocular range of large concentrations of burrows or areas large enough for a burrowing owl to occupy during the focused surveys. Species of all animals observed were noted and are presented in Appendix B.

## ENVIRONMENTAL SETTING

This project involves the widening of Tierra Subida Avenue, which currently exists as a two-lane road throughout much of the project area, to a six-lane road. Additional turn lanes will also be included at intersections, and improvements will be made to roads that intersect Tierra Subida Avenue at the points of intersection. Much of the proposed project area consists of previously developed or disturbed land (i.e., roadway, road shoulder, ranch roads, and other developed land); however, there are significant areas of vegetation (i.e., Mojave mixed woody scrub, Mojave mixed woody scrub/Mojavean juniper woodland scrub, and ruderal) that will be impacted. There is open habitat to the east and west of the project site, but it is fragmented by Tierra Subida Avenue, Avenue S, the Antelope Valley Freeway (SR-14), the California aqueduct, and a landfill (Figure 1). The elevation of the study area ranges from approximately 2,600 to 3,000 ft.

The soil types range from shallow, rocky, gravelly soil to sandy alluvium. Some evidence of dumping, off-highway vehicle use, and target shooting was observed. Adjacent land uses include residential housing, commercial mixed-use, a nearby landfill, and undeveloped land.

## RESULTS

No burrowing owls were observed on the property. Fossorial mammal burrows can be found throughout much of the study area; however, none showed characteristic burrowing owl signs of excrement, pellets, or feathers outside the burrows. No burrowing owls were observed during the

April–May 2009 focused surveys. At the present time, the burrowing owl is considered to be absent from the study area.

If you have any questions or require further information, please call me at (949) 553-0666.

Sincerely,

LSA ASSOCIATES, INC.



Leo Simone  
Senior Biologist

Attachments:   References  
                  Figure 1: Project Location Map  
                  Appendix A: Survey Area  
                  Appendix B: Animal Species Observed

## REFERENCES

- Brown, N.L. 1994. *Western Burrowing Owl Profile*. August 23, 2000.  
<http://arnica.csustan.edu/esrpp/buowl.htm>.
- The Burrowing Owl Consortium. April 1993. *Burrowing Owl Survey Protocol and Mitigation Guidelines*. August 23, 2000; <http://www2.ucsc.edu/scpbrg/owls.htm>.
- California Department of Fish and Game. September 25, 1995. *Staff Report on Burrowing Owl Mitigation*. Received by Rebecca Jones, CDFG, May 30, 2001.
- Hickman, J.C., ed. 1993. *The Jepson Manual: Higher Plants of California*. University of California Press. 1,400 pp.
- LSA Associates, Inc. 2007. *Biota Report, Tierra Subida Avenue Widening*.
- The Owl Pages. *The Owl Pages - Information about Owls*. March 11, 2002; <http://owlpages.com/species/athene/cunicularia>.
- Sawyer, J.O. and T. Keeler-Wolf. 1995. *A Manual of California Vegetation*. California Native Plant Society. Sacramento, California.

Figure 1: Project Location Map

## **APPENDIX A**

### **SURVEY AREA**



## **APPENDIX B**

### **LIST OF ANIMAL SPECIES OBSERVED**

## APPENDIX B

### LIST OF ANIMAL SPECIES OBSERVED

Scientific Name	Common Name
<b>ANIMALS</b>	
<b>INSECTA (HEXAPODA)</b>	<b>INSECTS</b>
<b>Pieridae</b>	<b>Sulphurs and Whites</b>
<i>Pontia protodice</i>	Common (checkered) white
<b>REPTILIA</b>	<b>REPTILES</b>
<b>Phrynosomatidae</b>	<b>Phrynosomatid Lizards</b>
<i>Sceloporus occidentalis</i>	Western fence lizard
<i>Uta stansburiana</i>	Common side-blotched lizard
<b>Teiidae</b>	<b>Whiptails</b>
<i>Aspidoscelis tigris tigris</i>	Great Basin whiptail
<b>Colubridae</b>	<b>Colubrid Snakes</b>
<i>Pituophis catenifer</i>	Gopher snake
<b>AVES</b>	<b>BIRDS</b>
<b>Odontophoridae</b>	<b>New World Quail</b>
<i>Callipepla californica</i>	California quail
<b>Accipitridae</b>	<b>Kites, Hawks, and Eagles</b>
<i>Aquila chrysaetos</i>	Golden eagle
<i>Buteo jamaicensis</i>	Red-tailed hawk
<i>Circus cyaneus</i>	Northern harrier
<b>Cathartidae</b>	<b>New World Vultures</b>
<i>Cathartes aura</i>	Turkey vulture
<b>Charadriidae</b>	<b>Plovers and Lapwings</b>
<i>Charadrius vociferus</i>	Killdeer
<b>Laridae</b>	<b>Skuas, Gulls, Terns, Skimmers</b>
<i>Larus californicus</i>	California gull
<b>Columbidae</b>	<b>Pigeons and Doves</b>
<i>Columba livia*</i>	Rock pigeon
<i>Zenaida macroura</i>	Mourning dove
<b>Trochilidae</b>	<b>Hummingbirds</b>
<i>Calypte anna</i>	Anna's hummingbird
<b>Tyrannidae</b>	<b>Tyrant Flycatchers</b>
<i>Myiarchus cinerascens</i>	Ash-throated flycatcher
<i>Sayornis saya</i>	Say's phoebe
<b>Corvidae</b>	<b>Crows and Ravens</b>
<i>Apelocoma californica</i>	Western scrub-jay
<i>Corvus corax</i>	Common raven
<b>Hirundinidae</b>	<b>Swallows</b>
<i>Petrochelidon pyrrhonota</i>	Cliff swallow
<b>Aegithalidae</b>	<b>Bushtits</b>
<i>Psaltirparus minimus</i>	Bushtit

<b>Troglodytidae</b>	<b>Wrens</b>
<i>Campylorhynchus brunneicapillus anihonyi</i>	Mainland cactus wren
<i>Thryomanes bewickii</i>	Bewick's wren
<b>Sylviidae</b>	<b>Old World Warblers and Gnatcatchers</b>
<i>Poliophtila caerulea</i>	Blue-gray gnatcatcher
<b>AVES</b>	<b>BIRDS continued</b>
<b>Mimidae</b>	<b>Mockingbirds and Thrashers</b>
<i>Mimus polyglottos</i>	Northern mockingbird
<b>Sturnidae</b>	<b>Starlings</b>
<i>Sturnus vulgaris</i> *	European starling
<b>Parulidae</b>	<b>Wood Warblers</b>
<i>Dendroica coronata</i>	Yellow-rumped warbler
<b>Emberizidae</b>	<b>Emberizines</b>
<i>Amphispiza bellii</i>	Sage sparrow
<i>Chondestes grammacus</i>	Lark sparrow
<i>Pipilo crissalis</i>	California towhee
<i>Zonotrichia leucophrys</i>	White-crowned sparrow
<b>Icteridae</b>	<b>Blackbirds, Orioles and Allies</b>
<i>Agelaius phoeniceus</i>	Red-winged blackbird
<i>Euphagus cyanocephalus</i>	Brewer's blackbird
<i>Icterus cucullatus</i>	Hooded oriole
<b>Fringillidae</b>	<b>Finches</b>
<i>Carpodacus mexicanus</i>	House finch
<i>Carduelis psaltria</i>	Lesser goldfinch
<i>Carduelis lawrencei</i>	Lawrence's goldfinch
<b>Passeridae</b>	<b>Old World Sparrows</b>
<i>Passer domesticus</i> *	House sparrow
<b>MAMMALIA</b>	<b>MAMMALS</b>
<b>Cricetidae</b>	<b>Hamsters, Voles, Lemmings, and New World Rats and Mice</b>
<i>Neotoma lepida</i>	Desert Woodrat
<b>Leporidae</b>	<b>Rabbits and Hares</b>
<i>Sylvilagus audubonii</i>	Desert cottontail
<i>Lepus californicus</i>	Black-tailed jackrabbit
<b>Sciuridae</b>	<b>Squirrels</b>
<i>Spermophilus beecheyi</i>	California ground squirrel
<b>Geomyidae</b>	<b>Pocket Gophers</b>
<i>Thomomys bottae</i>	Botta's pocket gopher
<b>Heteromyidae</b>	<b>Pocket Mice, Kangaroo Rats</b>
<i>Dipodomys sp.</i>	Kangaroo rat

\* = Nonnative species

ORIGINAL

RECORDING REQUESTED BY  
AND MAIL TO:

City of Palmdale  
38300 North Sierra Highway  
Palmdale, CA 93550-4798

Space Above This Line Reserved for Recorder's Use

THIS DOCUMENT IS EXEMPT FROM DOCUMENTARY TRANSFER TAX  
PURSUANT TO SECTION 11922 OF THE REVENUE & TAXATION CODE.

THIS DOCUMENT IS EXEMPT FROM RECORDING FEES PURSUANT TO  
SECTION 27383 OF THE GOVERNMENT CODE.

Assessor's Identification Numbers:  
3004-003-902, 903, 905, and  
Tierra Subida Avenue (Portion)

## QUITCLAIM DEED

For a valuable consideration, receipt of which is hereby acknowledged, the COUNTY OF LOS ANGELES, a body corporate and politic, does hereby remise, release, and forever quitclaim to the CITY OF PALMDALE, a municipal corporation (hereinafter referred to as CITY) all its right, title, and interest in and to all that real property in the City of Palmdale, County of Los Angeles, State of California, described in Exhibit A attached hereto and by this reference made a part hereof.

EXCEPTING therefrom all oil, gas, petroleum, and other hydrocarbon substances and minerals but without right of entry to the surface of said land.

Subject to all matters of record and to the following condition, which CITY, by the acceptance of this Quitclaim Deed and/or the exercise of any of the rights granted herein, agrees to keep and perform.

CITY understands that this property was purchased with Community Facilities District No. 1 funds and, therefore, should only be used for the benefit of the residents within Community Facilities District No. 1.

Dated June 15, 2010

COUNTY OF LOS ANGELES,  
a body corporate and politic

By

Gloria Molina  
Chair, Board of Supervisors of the  
County of Los Angeles

(COUNTY-SEAL)



ATTEST:

SACHI A. HAMAI, Executive Officer  
of the Board of Supervisors  
of the County of Los Angeles

By

[Signature]  
Deputy

7.21.2010

WATERWORKS DISTRICT NO. 40,  
ANTELOPE VALLEY 1-1EX.1  
File with: Waterworks District No. 34,  
Tierra Subida Tank Site (1)  
I.M.309-237  
S.D. 5 X2500630  
Project ID: MPR0000294

DB:bw

P:\CONF\WWDQCD\COLATOCITY\OPALMDALE.DOC 61010 RVSD 70110

STATE OF CALIFORNIA            )  
  ) ss.  
COUNTY OF LOS ANGELES    )

On January 6, 1987, the Board of Supervisors for the County of Los Angeles and ex officio the governing body of all other special assessment and taxing districts, agencies, and authorities for which said Board so acts adopted a resolution pursuant to Section 25103 of the Government Code that authorized the use of facsimile signatures of the Chair of the Board on all papers, documents, or instruments requiring the Chair's signature.

The undersigned hereby certifies that on this 15 day of June, 2010, the facsimile signature of GLORIA MOLINA, Chair of the Board of Supervisors of the COUNTY OF LOS ANGELES, was affixed hereto as the official execution of this document. The undersigned further certifies that on this date a copy of the document was delivered to the Chair of the Board of Supervisors of the COUNTY OF LOS ANGELES.

In witness whereof, I have also hereunto set my hand and affixed my official seal the day and year above written.



(COUNTY-SEAL)

SACHI A. HAMAI, Executive Officer  
of the Board of Supervisors  
of the County of Los Angeles

By [Signature]  
Deputy

APPROVED AS TO FORM

ANDREA SHERIDAN ORDIN  
County Counsel

By [Signature]  
Deputy

APPROVED as to title and execution,  
\_\_\_\_\_, 20\_\_\_\_.  
DEPARTMENT OF PUBLIC WORKS  
Survey/Mapping & Property Management Division  
  
Supervising Title Examiner  
  
By \_\_\_\_\_

**CERTIFICATE OF ACCEPTANCE**

This is to certify that the interest in real property conveyed by the deed or grant herein, dated \_\_\_\_\_, from the County of Los Angeles, a body corporate and politic, to the City of Palmdale, a municipal corporation, is hereby accepted pursuant to authority conferred by Resolution No. \_\_\_\_\_ of the City Council of the City of Palmdale, adopted on \_\_\_\_\_, and the grantee consents to the recordation thereof by its duly authorized officer.

Dated \_\_\_\_\_

By \_\_\_\_\_



# EXHIBIT A

X2500630

**WATERWORKS DISTRICT NO. 40,  
ANTELOPE VALLEY 1-1EX.1**

Filed with: Waterworks District No. 34,  
Tierra Subida Tank Site (1)  
A.I.Ns. 3004-003-902, 903, 905, &  
Tierra Subida Avenue (Por)  
T.G. 4285 (G1)  
I.M. 309-237  
Fifth District

## LEGAL DESCRIPTION

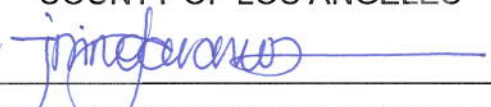
### PARCEL NO. 1-1EX.1 (Quitclaim of a portion of fee):

That portion of that certain parcel of land in the west half of the north half of the southwest quarter of Section 27, Township 6 North, Range 12 West, S.B.M., described in deed to the COUNTY OF LOS ANGELES, recorded on October 5, 1988, as Document No. 88-1603161, of Official Records, in the office of the Registrar-Recorder/County Clerk of said county, together with that portion of Tierra Subida Avenue, 100 feet wide, as shown on map of Tract No. 45291, filed in Book 1149, pages 86, 87, and 88, of Maps, in the office of said Registrar-Recorder/County Clerk, within the following described boundaries:

Beginning at the intersection of the southerly line of said certain parcel of land and the southwesterly boundary of Tierra Subida Avenue, 100 feet wide, as described in deed to said county, recorded in Book D2566, page 961, of said Official Records; thence North 38°30'42" West along the straight line portion of said southwesterly boundary, a distance of 332.15 feet; thence South 66°48'05" West leaving said southwesterly boundary, a distance of 39.03 feet; thence North 68°34'08" West 114.95 feet; thence North 56°39'50" West 269.31 feet; thence North 38°38'55" West 159.09 feet to the southwesterly prolongation of a radial that passes through the southeasterly terminus of that certain 2000-foot radius curve in the centerline of said Tierra Subida Avenue; thence North 51°29'18" East along said southwesterly prolongation, a distance of 179.50 feet to said southwesterly boundary; thence northwesterly and northerly along the southwesterly and westerly boundaries of said Tierra Subida Avenue to the northerly line of said certain parcel of land; thence North 89°46'36" East along said northerly line, a distance of 110.11 feet to the northeasterly boundary of said certain

parcel of land; thence southeasterly along said northeasterly boundary to said southerly line; thence westerly along said southerly line to the point of beginning.

Containing: 5.528± Acres.

APPROVED AS TO DESCRIPTION	
May 20, 2010	
COUNTY OF LOS ANGELES	
By	
SUPERVISING CADASTRAL ENGINEER III	
Survey/Mapping and Property Management Division	

*This real property description has been prepared in conformance with the Professional Land Surveyors Act. The signatory herein is exempt pursuant to Section 8726 of the California Business and Professions Code.*